Sri Lanka

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Introduction

On 22 February 2002, after more than 25 years of armed conflict, the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government signed a ceasefire agreement (CFA). The two sides began talks, and there were genuine hopes that the peace process might resolve the long-standing separatist conflict through peaceful negotiations. However, peace talks soon stalled over fundamental political disagreements, and by late 2005 the peace process had effectively broken down. After the election of President Mahinda Rajapaksa in 2006, the government began a full-scale counterinsurgency campaign, and on 3 January 2008 the government unilaterally abrogated the CFA, formally ending the peace process. In May 2009, government forces finally defeated the LTTE in a violent military assault on LTTE positions, accompanied by mass killings of civilians and allegations of war crimes. The result was an 'authoritarian peace', in which mass armed violence was ended and the political

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situation stabilised, but the authorities largely failed to address continuing grievances among minority Tamils.

The Sri Lankan peace process has become a key case study in a growing debate about the nature of post-liberal peace, particularly the apparent shift in approaches to peacebuilding from liberal to illiberal forms of conflict management (Goodhand 2010; Goodhand et al. 2010; Lewis 2010; Lewis et al. 2018; Sørbø et al. 2011; Piccolino 2015). The basic tenets of the Sri Lankan peace process – third-party mediation by Norway, a strong role for civil society and track II negotiations, a commitment to conflict resolution through peaceful negotiation in neutral venues with parity among parties to the peace talks – were classic components of a liberal peace process. The reasons behind the collapse of the peace process into renewed war, the nature of the subsequent counterinsurgency, and the sustainability of the post-conflict political order are all highly contested. While there is broad agreement that domestic politics, particularly the rise in influence of Sinhalese nationalist sentiments, played a primary role in the demise of the peace process (Goodhand 2010), the reasons why they were able to gain popular support and the extent to which international factors played a role are all disputed.

One area of critique has focused primarily on the role of the international community. Perhaps the most radical critique of the peace process argues that the location of the peace process within a broadly Westphalian philosophy of international relations ensured that it would always be hostile to the legitimate aspirations of Tamils for self-determination (Fernando 2014; Rampton and Nadarajah 2017). In this view, the underlying tenet of international negotiations – that Sri Lanka's territorial integrity was essentially non-negotiable – made a relapse into war inevitable. A very different view, but also focused on the international system, points to a geopolitical shift of power away from Western, liberal powers towards China and other 'rising powers' that made it easier for the Sri Lankan government to resort to war and

to defend its position in the UN and other bodies (Lewis 2010). A third area of discussion focused on the international examines the role of external meditation in peace processes and has led to some soul-searching among peace negotiators, particularly for the key negotiator, Norway, about their future engagement in complex peace processes (Sørbø et al. 2011).

A second area of critique focuses on the design and implementation of the peace process in the national context (Sørbø et al. 2011). One area of discussion addresses inclusivity. The Sri Lankan peace process was exclusive and narrowly defined, imposing a bipolar framework on a myriad of complex conflicts and tensions in the post-colonial state. Parties excluded from the talks – particularly Sinhala nationalist forces – used criticism of the peace process to mobilise and gain popular support (ICG 2006). Another area of debate involves attention to human rights abuses and questions of internal politics on both sides. Negotiators and parties to the process overlooked human rights abuses by both parties, but there was particular reluctance to confront the LTTE, for fear of upsetting the peace process (Keenan 2007). This debate also has more and less radical positions. For some, with hindsight, there were problems in implementation, sequencing, and design that might have been addressed differently, but the overall effort was still worthwhile. A more critical position, however, argues that the poor design and implementation of the process contributed to the subsequent turn to full-scale military counterinsurgency (Lewis 2010).

Conflict analysis

The analysis of the conflict is highly contested, both among scholars and within the different traditions largely represented by Sinhala and Tamil political movements. A simple bipolar description of the conflict is based on an historic ethnic divide on the island between the majority Sinhala community, who are traditionally Buddhist in faith and inhabit largely the central and southern regions of the country, and an ethnic

Tamil community, predominantly settled in the north and east, who primarily practice Hinduism; both groups have sizeable Christian minorities. Even the demographics are disputed. The last full census was conducted in 1981, and internal and external displacement of populations has caused significant shifts in population. In 1981, Sri Lankan Tamils constituted about 12.7 per cent of the population, with a majority living in the north and east of the island. The Sinhalese made up 74 per cent, while 'Upcountry' Tamils – communities brought into Sri Lanka as indentured labour by the British in the late nineteenth century – formed 5.5 per cent and Tamil-speaking Muslims formed some 7.3 per cent (ICG 2006).

At its most simplistic, the four 'Eelam Wars' between 1983 and 2009 that together are considered to constitute the Sri Lankan civil war were a struggle over territory between an armed separatist movement, the LTTE, which aimed to establish an independent Tamil homeland, and successive Sri Lankan governments, dominated by Sinhalese political leaders, who sought to maintain the country as a unitary state. Ethnicity had already become a salient political divide following the introduction of universal suffrage in 1931 (Spencer 2008). Following independence from Britain in 1948, ethnicity became the most salient cleavage at elections, with Sinhalese political parties engaged in 'ethnic outbidding' against each other, each advocating nationalist policies, including the disenfranchisement of upcountry Tamils in 1949, the Sinhala-only language law of 1956, and increasing constraints on employment of Tamils in the new state apparatus and restrictions on their entry to university (DeVotta 2004). This increasing marginalisation of Tamils provided the impetus for a powerful nationalist movement, which eventually developed into armed militancy against the Sri Lankan state.

However, this binary view of ethnic and political divisions is a highly simplistic framework through which to understand Sri Lanka's multiple conflicts. Both the civil war of 1983–2009 and the peace process of 2002–2006 can also be understood as representing the

suppression of a whole set of other conflicts within each ethnic community by the reification of one bipolar conflict regarding the territorial division of the state. As Uyangoda (2011) has argued, the civil war is best understood as a crisis of state-building, or even of two-state-building projects, that of the Sinhalese polity in the south and a parallel process among Tamils in the north. The crisis of the legitimacy and identity of the post-colonial state emerged in a wide range of conflicts informed by multiple cleavages, not only that of ethnicity. In the 1960s and 1970s, class and revolutionary movements, inspired by issues of distributive justice, were nevertheless intertwined with issues of ethnicity and failed to overcome the ethnic divide (Spencer 2008). A mass rebellion by the Sinhalese Maoist movement, the Janatha Vimukthi Peramuna (JVP), in 1971 was brutally suppressed by the military, representing a significant shift towards the normalisation of violence and militarisation of Sri Lankan society.

The JVP uprising demonstrated the deep divisions with Sinhalese society. Political divisions ran deep, particularly between the leftist Sri Lankan Freedom Party (SLFP), which represented rural voters in the south and claimed to be more representative of authentic Sinhalese communities, and its main political rival, the United National Party (UNP), the party of the urban English-speaking Colombo elite and of business. Although it was the UNP that launched the 2001 peace process and an SLFP administration that presided over the 2006–2009 war, previous UNP administrations had also been deeply implicated in episodes of anti-Tamil violence. The ability of both parties to appeal to nationalist constituencies ensured that support for extreme nationalist parties, such as the JVP – and a later party, shaped by militant Buddhism, the Jathika Hela Urumaya (JHU) – was always relatively limited; such parties were capable of mobilising vocal opposition to conciliatory policies and setting the political agenda, particularly during elections. The JVP and the JHU became the most powerful opponents of the peace process and played significant roles in its collapse (DeVotta and Stone 2008; ICG 2007b). Moreover, the

project of a unitary Sinhala-Buddhist state promoted by the JHU became part of the political mainstream, particularly under the SLFP government of President Rajapaksa.

The rise of the JVP in the south illustrated the extent to which the conflicts in Sri Lanka were intertwined crises of ethnic politics, post-colonial identities, and socio-economic questions. During the 1960s and 1970s, the SLFP led a socialist economic policy, which restricted private sector business and vastly expanded the state bureaucracy. This both closed off the private sector as an area for ethnic Tamils to fulfil aspirations and led to a rapid Sinhalisation of the state, as patronage networks and ethnicity-based recruitment became widespread. However, more pro-market policies under the UNP after 1977 did little to undermine ethnic cleavages: indeed, some argue that the pursuit of market reforms also increased the Sinhalisation of the state. Moreover, many Tamils viewed state development programmes, such as the huge Mahaweli dam programme, as vehicles for more Sinhalese settlement in traditional Tamil homelands. Certainly, such projects increased the competition over land and water that lay behind many local ethnic tensions (Bandarage 2008).

In the north, Tamil activists claimed that the possibility of campaigning for change by peaceful means had been largely exhausted by the early 1970s, after successive government crackdowns. The new Constitution of 1972 consolidated the 'Sinhala-only' language policy and imposed a duty on the state to protect and foster Buddhism (Coomaraswamy 2013: 126–129). It contributed to a new radicalism, evident in the adoption by Tamil leaders of the 1976 Vaddukoddai resolution, which advocated an independent Tamil state. The commitment to a separate state (Tamil Eelam) remained the primary aim of the LTTE throughout the war and the peace process, although discussions were beginning about potential confederal or federal solutions to the conflict. The LTTE refused to permit debate with Tamil political leaders calling for different models of devolution. In 1999, the LTTE

assassinated the moderate Tamil leader Neelan Tiruchelvam, who had authored a more moderate proposal for Tamil autonomy within the Sri Lankan state.

Some of the underlying grievances of Tamils over language and university admissions were addressed in a series of concessions won by Tamil parliamentary parties in 1977–1978. The changes were too late and too limited to calm growing militancy among Tamil youth, particularly in the Jaffna peninsula, which had already entered a cycle of violence between state and rebel forces. The LTTE, led by the charismatic Velupillai Prabhakaran, was just one of many militant groups active on the Jaffna peninsula in the 1970s. They first came to prominence through the assassination of Alfred Duraiappah, the mayor of Jaffna, in 1975, and soon gained a reputation as the best organised and most ruthless of the new militants. Rebel attacks sparked government counter-actions and mass pogroms and riots, including the deliberate burning of Jaffna library in 1981. After LTTE militants killed 13 Sri Lankan policemen in Jaffna in July 1983, there were mass communal pogroms in Colombo and other southern districts against ethnic Tamils. Estimates of those killed in the riots varied from 400 to 3,000. Many Tamils fled the country after the 'Black July' events, creating a highly politicised diaspora in the UK, Canada, and other Western countries, which also proved to be a significant source of funding for militant activities in Sri Lanka.

After 1983, sporadic militant attacks developed into a full-scale guerrilla war, punctuated by attacks on civilians, such as the 1984 Kent and Dollar Farm massacre, when militants hacked to death hundreds of civilians at night, and the 1985 killing of over 100 civilians at the Jaya Sri Maha Bodhi shrine at Anuradhapura. The massacres prompted brutal government responses, in what became a self-sustaining cycle of violence and revenge. Militants effectively took control of large parts of the Jaffna peninsula, the heart of Tamil life in the north of the country. A major military offensive by the government in 1987 might

have succeeded in retaking control of Jaffna from militant groups but for the intervention of the Indian government, which put pressure on the Sri Lankan government to halt military activities. India, which had covertly armed and trained many Tamil militant groups, pressured the government into signing the Indo–Sri Lanka Peace Accord of 29 July 1987, which provided important concessions to the Tamils, including territorial autonomy in the north-east of the island, through the 13th amendment to the Constitution. Militant groups were to disarm and an Indian peacekeeping force (IPKF) was introduced into conflict-affected areas. However, the Indian intervention quickly turned into a disaster, after the LTTE refused to disarm and became involved in a conflict with Indian troops; the government, meanwhile, faced another JVP-led uprising in the south.

The consequences of the IPKF's intervention in Sri Lanka were far-reaching. In 1991, an LTTE suicide bomber assassinated former Prime Minister Rajiv Gandhi, in Tamil Nadu. Thereafter, although India never intervened militarily, the sympathy of official India and particularly of the Gandhi dynasty for the Tamil political struggle and for the LTTE dissipated considerably. More significantly, in the short term, the rapid withdrawal of the IPKF allowed the LTTE to seize control of large swaths of territory in the north and east and to begin to establish a *de facto* state (Stokke 2006). From 1990 to 2001, government forces faced the LTTE in two long periods of military confrontation, sometimes termed 'Eelam War II' and 'Eelam War III'. The wars were marked by enormous brutality, frequent massacres, and ethnic cleansing. The LTTE dominated Tamil politics and asserted its claim to be the sole representative of Sri Lankan Tamils through a campaign of violence and killing of other Tamil political figures (Hoole et al 2018). The LTTE attacked not only Sinhalese civilians (assassinations included Sri Lankan President Premadasa in 1993) but also Muslims, who also traditionally inhabited the east and north of the island. In 1990, in an act of ethnic cleansing, the LTTE forced over 70,000 Muslims to leave Jaffna. The Muslim community had little

political consciousness until the 1980s, when the Sri Lankan Muslim Congress (SLMC) was formed to advocate for better representation of Muslim interest, and as a defence against the LTTE (Vellaithamby 2006). Relations between Muslims and the LTTE were fatally damaged by the ethnic cleansing in Jaffna and several massacres, particularly in Eastern Province (ICG 2007a; McGilvray 2011). The failure to represent Muslim interests in the peace process became a growing source of tension in the negotiations after 2003.

There were hopes of a breakthrough in the conflict following the election of SLFP leader Chandrika Kumaratunga in 1994. Initial talks with the LTTE broke down in 1995 amid mutual recriminations, and were followed by a new government military offensive, dubbed the 'War for Peace'. The Sri Lankan military's campaign had early successes but soon ground to a halt against the LTTE's effective guerrilla campaign. The LTTE launched a new campaign of terrorist bombings, including numerous suicide bombings, killing hundreds of civilians in attacks on the Central Bank in Colombo in 1996, the World Trade Centre in 1997, and the Temple of the Holy Tooth in Kandy in 1998. The LTTE also held the advantage in conventional warfare, despite the makeshift nature of its armed forces. The extreme nature of the violence gave the conflict a momentum of its own, with each violent attack by the rebels prompting counter-attacks by government forces. By the late 1990s, the military advantage began to swing towards the LTTE. The LTTE enjoyed several spectacular military successes, winning the battle of Elephant Pass in 2000 against superior conventional forces, and culminating in a daring raid on Katanayake international airport near Colombo in 2001, which destroyed almost half of the country's aircraft. Despite the failure of the 'War for Peace' policy, President Kumaratunga was narrowly re-elected in 1999, perhaps boosted by popular sympathy after she was wounded in an LTTE assassination attempt earlier that year. But the SLFP lost parliamentary elections in December 2001, with UNP leader Ranil

Wickremasinghe becoming prime minister in 2001 after running a pro-peace campaign.

By 2001, the conflict appeared to many observers have reached a moment of 'ripeness' for resolution. On the government side, there was a widespread view that the war was militarily unwinnable and that a political solution was required. The attack on Colombo airport badly damaged the tourist industry, and the economy went into recession. Although the war had developed a political economy of its own, the damage caused by LTTE attacks to the economy outweighed any influence of the war economy (Sørbø et al. 2011: 24). For the LTTE, the peace process offered a possibility of turning military success into political recognition, including international legitimacy. Having lost India's support, the LTTE faced a hostile international environment, compounded by the US announcement that it was launching a War on Terror in the aftermath of the terrorist attack by Al-Qaeda on New York in September 2001. The LTTE undoubtedly believed that they had an opportunity to consolidate their existing territorial gains and achieve a new political status quo. In retrospect, it is clear that neither side was as ready for genuine negotiations as some external actors believed. Whatever their many political differences, Sinhalese politicians of all parties were still united in their opposition to Tamil secession. The LTTE, meanwhile, remained committed to an independent Tamil state.

The conflict resolution process

Using an external mediator was widely seen as an important first step in bridging this divide. In 1999 the Kumaratunga government had secretly asked Norway to engage in talks with the LTTE. Norwegian diplomats began a process of shuttling between LTTE representatives in exile and political leaders in Colombo, attempting to broker a ceasefire (Sørbø et al. 2011). However, it was only with the election of Prime Minister Wickremasinghe in 2001 that there was a real shift in policy. The LTTE surprised everybody with a unilateral ceasefire in

December 2001, and a Ceasefire Agreement was concluded by the two sides in February 2002. The CFA was a major breakthrough after decades of war. The two sides agreed 'the total cessation of all military action', to be monitored by a Sri Lanka Monitoring Mission (SLMM), staffed by around 70 personnel from Nordic states (CFA 2002). It had offices across the north and east of the country and was permitted to travel freely to report on any CFA violations. In this aspect, the CFA was relatively successful, with direct attacks by the LTTE and government forces largely ceasing until late 2005. The CFA also agreed the opening of long-closed transport corridors, including the main Jaffna–Kandy road, and allowed both civilians and unarmed combatants to move freely across lines once more. The CFA had several immediate positive impacts, not least an end to the everyday violence and military activity on fronts in the north and east of the country, and increased freedom of trade across the country. The government set up a Secretariat for Coordination of the Peace Process, SCOPP, to support the process from the government side.

The most controversial aspects of the CFA were the benefits it granted to the LTTE. The agreement recognised existing frontlines, effectively entrenching the LTTE as the sole governing body in areas under its control. Although the CFA ordered parties to 'abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment', the LTTE continued its long-standing practice of recruiting child soldiers, extorting Tamil and Muslim businesses, and mounting political assassinations of its rivals. The vast majority of recorded violations of the CFA were by the LTTE. Of 1,996 complaints to the SLMM in 2003, 670 concerned the recruitment of children by the LTTE as soldiers (Höglund 2005: 161). Operating in conditions of constant warfare, the LTTE had developed a highly authoritarian regime, which controlled all media production, permitted no dissent, and punished any political deviation severely. Using the protection of the CFA, the LTTE further solidified its claim to *de facto* statehood, developing a

police force, a judiciary, and other rudimentary government structures, but rejecting any calls for more pluralist politics (Stokke 2006). The Sri Lankan government continued to fund state agencies based in what it termed 'uncleared areas', territories outside government control, but in practice these state bodies and officials were under the control of the LTTE. In Eastern Province, where the government and LTTE shared control in a complex patchwork of jurisdiction, LTTE political and intelligence officers were permitted to travel in government-controlled areas. In practice, this often meant a further extension of LTTE indirect control over Tamil businesses and communities in those areas. According to human rights activists:

The LTTE moved into towns to freeload from Muslim shops and to extort from Tamils and Muslim civilians alike. In areas along the main road from Valaichenai to Kallar where the LTTE's movements were hitherto inhibited, the LTTE came in and started demanding children and money to set up offices. Where the children were extremely young, the LTTE often demanded a written declaration from the parents that they would give the first child that [came] of age – reportedly 12 years.

(UTHR 2002)

LTTE violations of the CFA posed a major challenge for the negotiators. For the most part, the SLMM and international negotiators preferred to downplay evidence of violations, for fear of upsetting the delicate peace negotiations. In effect, the LTTE was permitted to further its vertical control over the north and east in exchange for its agreement to horizontal negotiation with the government. The LTTE, as with all parties to the agreement, wished to transform a complex, multi-layered conflict with multiple participants into a simple, binary peace process with two main actors who could represent their respective communities. The LTTE viewed itself as the sole representative of Tamil-speaking people in Sri Lanka, but this position was rejected by many dissident Tamil groups and by

Muslim communities, who asserted their own separate identity, despite their use of the Tamil language.

Peace talks

There were various contacts between different parties during 2002, but formal peace talks began on 16 September 2002 in Sattahip in Thailand between a government delegation headed by G.L. Peiris, a lawyer, and Anton Balasingham, a London-based negotiator, who had long-standing, close connections with LTTE leader, Prabhakaran. Although the talks were reported to be cordial, the focus was on CFA implementation and humanitarian issues rather than any substantive political questions. During a further round (31 October–3 November 2002) of talks, also held in Thailand, the two sides agreed to establish three sub-committees: a Sub-committee on Political Affairs (SPA), a Sub-committee on De-escalation and Normalization (SDN), and a Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN). Despite the establishment of the SPA, it never met, and political issues were often side-lined in favour of humanitarian and development issues (ICG 2006).

Talks in Oslo in December 2002 were initially seen as a breakthrough, when both sides agreed to

explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil speaking peoples, based on a federal structure within a united Sri Lanka (Waldman 2002).

The assertion that the LTTE had agreed to work within a federal Sri Lanka was seen as a positive step forward by the mediators, but it apparently caused severe strains among LTTE negotiators (Sørbø et al. 2011: 42). Balasingham (2004: 464) complained that the statement had been 'blown up as a paradigm shift', when in reality it merely expanded on an existing LTTE position, outlined by Prabhakaran during a speech on Martyrs' Day in November 2002. The Oslo Communiqué

exposed the difficulties faced by the LTTE in maintaining an unwavering commitment to an independent state, in the light of almost universal international opposition. After Oslo, Balasingham and other LTTE moderates appear to have been side-lined, and LTTE suspicion of the peace process intensified. Certainly, any short-lived optimism engendered by progress in Oslo began to fade during talks held in Nakorn Pathom, Thailand (6–9 January 2003), where the two sides struggled to agree on the working of the sub-committees and clashed over the issue of so-called High Security Zones (HSZ), areas in which many Tamils had been forced out of their homes to make way for military bases. These humanitarian concerns were particularly acute in Jaffna, but efforts to find a way to link dismantling HSZs to demobilisation of LTTE offensive weapons led nowhere (Sørbø et al. 2011: 41).

The fifth round of talks, held in Berlin (7–8 February 2003), continued the contentious discussion on the HSZs and appeared to reach an agreement between the LTTE and UNICEF to resolve the problem of child soldiers, although its implementation was deeply flawed (ICG 2006). Although the LTTE did release some child soldiers, it also continued to recruit underage soldiers. A series of violations of the CFA during February/March 2003 by the LTTE also began to fuel criticism of the government and of the Norwegian mediators. SLMM monitors intercepted LTTE arms shipments, and there was concern over the activities of the LTTE's small navy, the 'Sea Tigers'. Meanwhile, Muslim anger at increased LTTE violence in Eastern Province sparked a new political activism and sense of identity among Muslims (ICG 2007a: 10). In January 2003, as many as 20,000 Muslims gathered to acclaim the 'Oluvil declaration', which laid out Muslims' claim for rights and status. The exclusion of the Muslim community from the peace talks continued to rankle and caused continual problems for the Norwegian negotiators over the next two years (Mohideen 2006).

A sixth round of talks was held in Hakone, Japan (18–21 March). At this meeting, in response to mounting concerns over the human rights abuses obscured by the CFA, Ian Martin, the former head of Amnesty International, encouraged both sides to adopt a human rights agenda. Both sides – and international mediators – had reasons to resist such an imposition, and the idea was never implemented. After Hakone, in April 2003, the LTTE pulled out of further talks. The ostensible reason was the LTTE's exclusion from a donors' conference, to be held in Washington DC. (The LTTE was not invited because it was proscribed as a terrorist group in the US.) However, as Balasingham admitted, the real problem for the LTTE was its fear of being caught in a so-called peace trap, whereby an institutionalised, internationalised peace process gradually reduced the LTTE's space for manoeuvre (Goodhand and Walton 2009: 309). The nature of the LTTE, a mobilisational, authoritarian movement, made it particularly vulnerable to a relaxation of military and political pressures. It was more difficult to justify the LTTE's forced recruitment of child soldiers, its maximalist political demands, and its repressions against dissidents in an environment of relative peace. On 21 April, the LTTE unilaterally suspended negotiations with the government, although it reiterated its commitment to the CFA. The LTTE was invited to a donors' conference in Tokyo in June 2003, where donors pledged some $4.5 billion in aid, but the LTTE boycotted the conference.

The Tokyo conference appointed the US, Japan, and the EU as three co-chairs of the peace process, alongside Norway's established mediation role. However, the increasing internationalisation of the peace process coincided with a decline in the influence of international actors. From late 2003, the fate of the peace process was effectively determined by increasingly divisive domestic political factors. On 31 October 2003, the LTTE presented a proposal for an Interim Self-Governing Administration (ISGA). The ISGA proposal guaranteed LTTE control over the whole of the north-east of the island, which would be vacated by the Sri Lankan military, and granted them

effective autonomy over all domestic governance within the ISGA region. The ISGA sharpened a growing divide between the stance of the mediators and non-LTTE political elites inside Sri Lanka. While Norway viewed the ISGA as a starting point for negotiations and welcomed the fact that the LTTE had put forward a formal proposal for a structure short of immediate independence, government critics viewed the ISGA as little more than a proto-state, which would guarantee LTTE de facto statehood in the north-east and offer a viable road map to secession via a proposed referendum after five years.

The ISGA proposal was never viable in the context of a negotiated settlement, but it served to crystallise existing divisions in the government. President Kumaratunga had long been unhappy with the conduct of the peace process and had been effectively side-lined. But in the wake of the ISGA proposal, she intervened against Prime Minister Ranil Wickremasinghe and declared a state of emergency. The move reflected increasing popular disapproval of the UNP government and its international allies, largely fuelled by its refusal to condemn LTTE ceasefire violations or to dismiss the ISGA proposal (Sørbø et al. 2011: 48). These machinations at the top took place in the context of a broader shift in nationalist politics, with growing public support for the JVP and for militant Buddhist organisations, such as the Sinhala Urumaya (Sinhala Heritage) movement, which set up the Jathika Hela Urumaya (JHU) as a political party in 2004. The JHU unexpectedly won nine seats at parliamentary elections in April 2004 and attracted support from many influential middle-class Sinhalese, including government officials. Both the JVP and the JHU opposed the peace process, instead advocating a full-scale military campaign to defeat the LTTE, a position that was marginal in mainstream political thought at the time. The SLFP – running as the United People's Freedom Alliance coalition – won a convincing victory at April 2004 elections, and Mahinda Rajapaksa was appointed prime minister. In retrospect, it was probably impossible to have rescued the peace process after the April 2004 elections: both the new prime minister and

President Kumaratunga were opposed to fundamental aspects of the peace process, albeit for different reasons.

The other critical turning point in 2004 emerged from growing dissension within the Tamil community. Despite LTTE efforts to stamp out any dissent against its monopoly of power, the peace process made it more difficult for Prabhakaran to assert total control over the movement. In March 2004, the commander of LTTE forces in Eastern Province, Vinayagamoorthy Muralitharan (more commonly known as 'Colonel' Karuna Amman), announced a breakaway from the LTTE leadership of Prabhakaran. This was a huge blow to the LTTE, from which it never completely recovered. Karuna led some of the most effective military units in the LTTE, and his defection gave the government access to invaluable intelligence on the LTTE's armed forces and operations. Although the LTTE defeated Karuna's forces and recovered most territory in the east in the aftermath of the defection, some of Karuna's forces began working with the Sri Lankan military as paramilitaries, who knew the terrain well and could effectively challenge the LTTE on the ground. Karuna claimed that it had been his engagement with the wider world that persuaded him to move against what he saw as Prabhakaran's inflexible position, although long-standing disagreements between Eastern and Northern Tamil communities probably also played a role (ICG 2006). Whatever the real reasons, the split with Karuna was exactly the outcome that some LTTE hardliners had feared from the 'peace trap'; the continued existence of the Karuna faction soured further peace talks and became a constant source of tension between the two sides.

The Karuna split probably ended the LTTE's genuine interest in further negotiations, although they reaffirmed their commitment to the CFA. A period of phony peace began. In reality, both sides appeared to be preparing for war, but conflict was forestalled by the Indian Ocean tsunami on 26 December 2004. Amid the devastation (much of it on the eastern and north-eastern shores, populated predominantly

by Tamil and Muslim communities), there was hope that responding to the tsunami would bring the two sides together. There was cooperation between the different communities in the north and east, but this period of relative pluralism was short-lived. For the LTTE, this 'very open and flexible space of opportunity posed a threat and needed to be filled as soon as possible'(Walker 2013: 75). With the Norwegians mediating once more, both sides supported a Post-Tsunami Operational Management Structure (P-TOMS) as a new, joint mechanism for distributing aid, which appeared to offer more influence for Muslim communities (which were badly affected by the tsunami) and a balance between the government and LTTE over how aid would be spent. P-TOMS was the last initiative that reflected a long-standing belief among negotiators that foreign aid and economic development offered a way to bring the two sides together, without addressing underlying political issues (Sriskandarajah 2003). However, the political implications of the P-TOMS mechanisms were clear and immediately fuelled political opposition. Eventually the P-TOMS structure was ruled unconstitutional by the Supreme Court, but in any case it had become irrelevant as the momentum for war resumed in the summer of 2005.

Against this backdrop of renewed controversy, Prime Minister Mahinda Rajapaksa, a southern politician from the more nationalist wing of the SLFP, won presidential elections in 2005, narrowly defeating the UNP's Ranil Wickremasinghe. With hindsight, the election of Rajapaksa was the key event in shifting the Sri Lankan state towards a full-scale military campaign, although at the time of the election Rajapaksa advocated a more moderate stance and was viewed as a pragmatist by international mediators. One important factor in Rajapaksa's victory was the LTTE's decision to enforce a boycott of the election among Tamil voters, rather than supporting their partner in the peace process, Ranil Wickremasinghe. The absence of Tamil votes in the north provided Rajapaksa with the necessary 2 per cent margin for victory. The LTTE decision was perhaps the clearest

strategic mistake of the entire peace process, based on a false belief that a new war with the Sri Lankan state would leave them in a much stronger position both domestically and internationally. The decision reinforced the view that the LTTE lacked a well-informed political strategy. Prabhakaran had a strong reputation as a military tactician but lacked good political advice or a well-developed political vision.

Although Rajapaksa won on a clearly nationalist platform, he initially advocated a continuation of the peace process, at least publicly. However, in reality the war had already resumed, with killings and assassination by both sides, including the murder of Tamil MP Joseph Pararajasingham while celebrating Christmas Mass in Batticaloa. Although the mediators and the SCOPP remained active, by April 2006 Defence Minister Gotabaya Rajapaksa was telling negotiators he could envisage a military solution to the conflict (Sørbø et al. 2011: 54). This conviction was matched by a new military build-up, with Sri Lanka on a buying spree for new equipment, including fighter planes and new offensive weapons; and a diplomatic offensive, stressing the fight against terror and building up relations with sympathetic non-Western states, such as Pakistan and China (Lewis 2010). A shift in international opinion against the LTTE was particularly marked after the assassination of Sri Lankan Foreign Minister Lakshman Kadirgamar in August 2005, almost certainly by the LTTE. The EU proscribed the LTTE in May 2006, and many countries began to investigate LTTE activities among Tamil diasporas and block fundraising. The JVP and the JHU intensified a campaign of demonstrations and protests against Norway and the CFA.

By June 2006, full-scale military confrontations had resumed, particularly in Eastern Province, where fighting was accompanied by reports of massacres by government troops or paramilitaries, including the killing in August 2006 of 17 aid workers from the French NGO *Action Contre la Faim*. Although peace talks did continue in 28–29 October 2006 in Geneva between the two sides, in practice the

government was beginning to believe that it could win a military confrontation outright. This was not the view among diplomats. Norwegian diplomats agreed that 'all observers think that this is a conflict that cannot be won by military means and most believe that the government cannot beat the LTTE militarily' (Sørbø et al. 2011: 63). This belief was pervasive in the international and diplomatic community, and partly explains the continued willingness of Norway and other EU states to maintain the peace process mechanism, with the hope that the government would be forced to resume talks once its military offensive began to falter. This was a fundamental error in analysis but was widely shared.

In reality, the LTTE turned out to be much weaker militarily than expected. Although it managed a symbolic air attack on Colombo in April 2007, it proved no match for the better-equipped Sri Lankan military. Indeed, the discovery that the LTTE had developed an air force prompted India to offer radar and other support to the Sri Lankan government (Sørbø et al. 2011: 54). By July 2007, the government had driven the LTTE out of Eastern Province. On 2 January 2008, the government withdrew from the CFA and the SLMM was terminated. Government forces launched a military campaign against LTTE strongholds in the north and quickly overran LTTE positions. International efforts to organise a ceasefire were rejected by both sides. The government campaign culminated in the military defeat of the LTTE in May 2009, amid accusations of war crimes and mass killings of civilians in the final few days of battle (Lewis 2011). According to the International Crisis Group, civilian deaths in the final few weeks of battle may have exceeded 30,000 (ICG 2010).

Lessons to be learned from the case study

There are multiple lessons to be learned from the Sri Lanka peace process, and many have been explored in detail elsewhere (ICG 2006; Goodhand et al. 2005, 2011; Sørbø et al. 2011; Orjuela 2010). Three key issues that have wider application are (1) the over-reliance on

foreign aid and a development agenda to have positive impacts on the conflict; (2) a poor understanding of the fundamental political dynamics at stake in the conflict, including – above all – the internal politics of the LTTE; and (3) the misreading of a shifting international environment, in which Western leverage became increasingly irrelevant as the peace process developed.

Aid and development

A key point through the process was the 'inflated assessment of the leverage of aid' (Goodhand and Walton 2009: 310), and the undue influence on the peace process of development professionals, aid workers, and humanitarian NGOs. Donors believed that foreign aid would offer a 'peace dividend' that would boost support for the peace process and improve cooperation between the two sides (Bastian 2007; Sriskandarajah 2003; Goodhand et al. 2005; Goodhand and Walton 2009). This was a profound misreading of the nature of the conflict. An emphasis on humanitarian and development issues during the peace process did not act as a process of confidence-building to lay the ground for later political discussions. Instead, efforts to create joint development initiatives merely reproduced the fundamental divisions in the peace process, but in different form.

Institutions designed to deliver aid, such as the North–East Reconstruction Fund (NERF), funded by international donors, or the SIHRN and P-TOMS, were often viewed by international negotiators as 'soft' mechanisms to achieve cooperation and confidence-building. In reality, both sides viewed the control of aid and development funds as primarily a political question and refused to acknowledge demands for recognition of the neutrality of humanitarian space. The LTTE viewed the control and channelling of foreign aid as an important way for them to achieve greater local legitimacy and to further develop their nascent state structures (Sørbø et al. 2011: 107). Engagement with international donors was seen as a form of partial international recognition (Burke and Mulakala 2011). NGOs were constantly subject

to LTTE controls or were persuaded to channel their aid through the LTTE's development wing, the Tamil Rehabilitation Organisation (TRO). The post-tsunami influx of aid organisations into Sri Lanka, far from supporting the peace process, often created local conflicts among different communities and local leaders (Sørbø et al. 2011: 109), and sometimes fuelled nationalist, anti-Western sentiments in the south. This manipulation of aid and the failure to achieve humanitarian space during the peace process was followed by even more cynical politicisation of aid during 2006–2009, when 'information control and the manipulation of aid – granting partial humanitarian access in return for silence – [became] a key part of the SL government's strategy' (ODI 2010: 3).

Politics

The partial attempt to de-politicise the peace process through a development track was compounded by insufficient attention to the politics of peace, both the everyday domestic politics that ultimately undermined the whole process and the underlying political questions that divided the two sides. Although it was unrealistic to expect a peace process to address the full range of complex historical cleavages of a post-colonial state, the insistence on a bipolar framework made it extremely difficult to address the challenges of intra-community divisions, among both Tamils and Sinhalese, and also to address the inclusion of other communities, such as the Muslims. The non-viability of the LTTE's plans for independence, given universal international opposition, should have been part of the guiding framework for the talks. Instead, this principle was often fudged through academic discussions of federal alternatives, which were unlikely to be accepted by the LTTE leadership. Moreover, the highly authoritarian nature of LTTE rule, which made many Tamils and Muslims nervous about granting substantial autonomy to the LTTE, was hardly addressed. The failure to respond adequately to serious human rights abuses by the LTTE in the first year of the CFA discredited the process for many

democratic Tamil voices and provided ammunition to potential spoilers among Sri Lankan nationalists (Höglund 2005; ICG 2006; Keenan 2007). In neither of the state-building projects – that of the LTTE or of the Sinhala state – was there any attempt at political reform during this period, yet reform of the state was a precondition for sustainable peace (Uyangoda 2010). During 2004–2005, it was advocates of extremist state-building projects – the LTTE on the one hand and the proponents of the Sinhala-Buddhist hegemonic state on the other – that accrued most influence, with liberal and moderate voices becoming discredited by their association with the peace process. In this sense, the conduct of the peace process made its eventual failure much more dangerous than it might otherwise have been by fuelling Sinhalese nationalist sentiment, which came to insist on a maximalist military solution to the conflict (Lewis 2010).

Shifting international environment

The third major lesson of the Sri Lankan peace process regards the role of external mediators and the international community in general. There have been numerous specific criticisms of the modalities of Norway's involvement in the peace process, prompting a broader discussion of the role of external mediators in peace processes (Sørbø et al. 2011). Certainly, the assumption that Norway would be viewed as an honest broker and perceived as neutral by all sides, was naive. Instead, Norwegian negotiators became the focus of nationalist anger, protests, and demonstrations. The international community was complacent about public opinion, possibly misled by opinion polls suggesting strong support for the peace process in 2003–2004. Once military conflict resumed in 2006, however, the public swung quickly behind the government and backed the military counterinsurgency (Lewis 2010). International actors struggled to engage with the public more widely, or with a broad spectrum of political forces outside a narrow Colombo elite of UNP politicians and civil society actors. While external actors had some influence over the policies of the UNP

government of 2001–2004, they struggled to find ways to influence the LTTE. Moreover, EU states rapidly lost influence with the government after the election of Rajapaksa in 2005.

The decline of Western influence was more than matched by President Rajapaksa's new diplomatic ties. He found China ready to offer financial support and military hardware and discovered diplomatic allies among non-Western powers, including Russia, India, and China. Indeed, the Sri Lankan case demonstrated that all peace processes now have to operate within a new geopolitical constellation, in which the leverage of Western powers is sharply reduced and the concept of small, liberal powers such as Norway acting as 'neutral brokers' is increasingly difficult to maintain. Instead, major powers such as China and Russia play a decisive role, both directly by backing governments facing internal conflicts and diplomatically in the UN Security Council. These shifts in power are accompanied by changes in norms. The liberal norms that have informed peace processes since the late 1980s are now contested and challenged at every level. The failure of the Sri Lankan peace process marked the beginning of a new era in which illiberal and authoritarian responses to internal conflicts have become increasingly normalised.

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