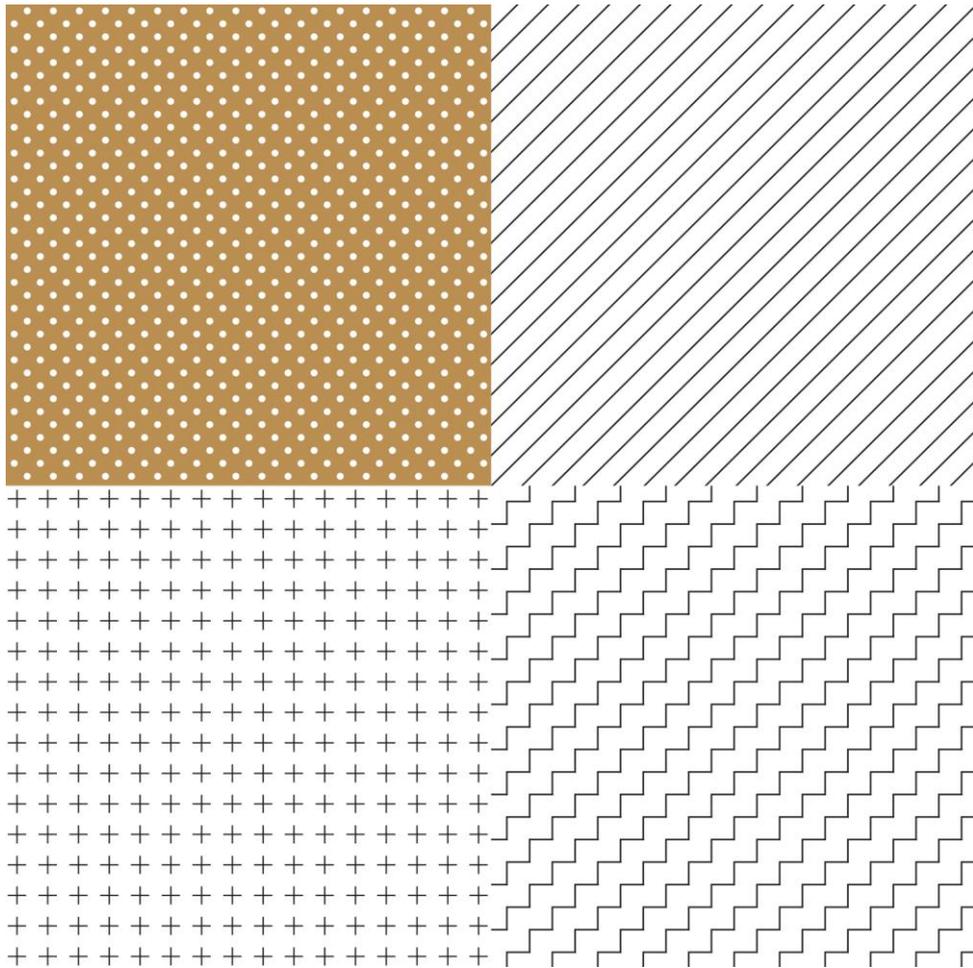


W O S C A P

ENHANCING EU PEACEBUILDING CAPABILITIES



EU engagement with Sri Lanka: Dealing with wars and governments

Georg Frerks & Toon Dirx

Centre for Conflict Studies, Utrecht University

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Georg Frerks, Toon Dirx

Utrecht University



Whole of Society Conflict Prevention and Peacebuilding

This desk review of case studies was produced as part of the project "*Whole-of-Society Conflict Prevention and Peacebuilding*" (WOSCAP). In order to complement the other in-depth research cases with a broader view of EU interventions regarding conflict prevention and peacebuilding, this report focuses on the case of Sri Lanka. This goes beyond the field research in Georgia, Ukraine, Mali, and Yemen, and the desk reviews in Kosovo, Afghanistan, Central America (Honduras and Guatemala). The EU has played a substantive role in Kosovo and Afghanistan, while it has played an important role in Sri Lanka and Central America. More information at www.woscap.eu.

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About the authors

Georg Frerks holds a chair in Conflict Prevention and Conflict Management at Utrecht University and a chair in International Security Studies at the Netherlands Defense Academy. Frerks served for nearly twenty years in the Dutch Foreign Service and was head of the Conflict Research Unit of the Netherlands Institute of International Relations 'Clingendael'. Frerks focuses on contemporary intrastate conflicts and international and national conflict policies and interventions. He has worked for many years on the Sri Lankan conflict. The last few years Frerks was the academic coordinator of the EU-funded H2020 research project 'Whole of Society Conflict Prevention and Peacebuilding' (WOSCAP). Frerks has published extensively on the topics of his research.

E-mail: g.frerks@uu.nl

Toon Dirkx is a PhD candidate at the University of Basel and a PhD fellow at the Swisspeace Institute in Bern. Before commencing on his doctoral research he worked as a researcher at the Centre for Conflict Studies of Utrecht University assessing EU interventions in the fields of conflict prevention and peacebuilding in Afghanistan and Sri Lanka. His primary research interests include the relationships between powerful military actors and militias, the governance of armed groups in civil wars, and the interconnections between violence, interventionism, and state formation processes.

E-mail: toon.dirkx@swisspeace.ch

List of abbreviations

AFD	Agence Française de Développement
AIF	Asian Investment Facility
APTA	Asia Pacific Trade Agreement
BSP	Bolshevik Samasamaja Party
CEPA	Centre for Poverty Analysis
CFA	Cease-Fire Agreement
CP	Communist Party
EU	European Union
EU-ACAP	European Union – Assistance to Conflict Affected People
EU-SEM	European Union – Support to Socio-Economic Measures
ETEE	<i>Eela Thamil Elangar Eyakam</i> (Eelam Tamil Youth Movement)
EPLRF	Eelam People’s Revolutionary Liberation Front
EROS	Eelam Revolutionary Organisation of Students
FP	Federal Party
GoSL	Government of Sri Lanka
ISFTA	Indo-Sri Lanka Free Trade Agreement
ISGA	Interim Self-Governing Authority
LSSP	Lanka Sama Samaja Party
LTTE	Liberation Tigers of Tamil Eelam
MIP	Multi-Indicative Programmes
NEHRP	North and East Housing Reconstruction Programme
NWSDB	National Water Supply and Drainage Board
P-TOMS	Post-Tsunami Operational Management Structure
PLOTE	People's Liberation Organisation of Tamil Eelam
PSLFTA	Pakistan-Sri Lanka Bilateral Free Trade Agreement
SDC	Swiss Development Cooperation
SHIFT	Sanitation and Hygiene Initiative for Towns
SLFP	Sri Lanka Freedom Party
SLMM	Sri Lanka Monitoring Mission
TELO	Tamil Eelam Liberation Organisation
TIFA	Trade and Investment Framework Agreement
TNT	Tamil New Tigers
TUF	Tamil United Front
TULF	Tamil United Liberation Front
UN	United Nations

UNP United National Party
WOSCAP Whole-of-Society Conflict Prevention and Peacebuilding

Introduction

This document outlines the engagement of the European Union (EU) with Sri Lanka in relation to the conflict between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) that affected the country for a period of 26 years. After presenting the research questions and methodology for this study, this document gives a brief overview of the origin and history of the conflict and the post-war period. Then a general overview of the international involvement in the conflict will be given, followed by a more specific description of the EU's engagement in relation to the Sri Lankan conflict outlining among others the major EU policies and programmes. We then briefly summarize our conclusions in terms of capacities and capabilities of the EU in this particular setting of conflict and post-conflict conditions. We conclude that the EU has become a more articulated actor over the years, but that its room for manoeuvre was limited due to the unpredictable and volatile dynamics on the side of the conflict parties and the different subsequent governments it had to deal with.

2. Research questions and methodology

2.1 General research questions

This research on the EU's engagement with Sri Lanka was part of the Whole of Society Conflict Prevention and Peacebuilding (WOSCAP) project that was conducted under the EU-funded H2020 research programme. The central question of the WOSCAP project as a whole was:

- What are the current EU civilian capabilities in the fields of peacebuilding and conflict prevention? And, how can these be enhanced in order to make policies more inclusive and sustainable?

Case studies on Ukraine, Georgia, Yemen, and Mali were carried out by partner institutions in those countries and desk studies (combined with limited additional interviewing) were conducted by the Centre for Conflict Studies (CCS) at Utrecht University on Afghanistan, Central America, Kosovo and Sri Lanka. The main research question of these studies was:

- How has the EU developed its capabilities in the three policy domains and in relation to the four selected themes in the selected countries, and what are the main characteristics of the social and political processes in which these capabilities have evolved over the past one or two decades.

While the research is informed by the existing literature on EU capabilities, as well as WOSCAP scoping studies on policy clusters and crosscutting themes, the case and desk study research was primarily exploratory and empirical in that it looked for relevant factors (both contextual and internal to the EU), as well processes and patterns of interaction, that provide information about the ways in which the EU deploys, develops, and adapts its capabilities in multiple policy domains and in interaction with other stakeholders.

2.2. Desk study on Sri Lanka¹

The desk studies serve to provide complementary material next to the in-depth studies in the earlier mentioned case study countries. They do not aspire to attain the same level of depth as the latter and are based largely on secondary sources and / or a short visit.² They also may not cover all policy clusters and cross-cutting themes in the same way as the case studies are able to do. Based on the central questions, and the questions outlined in the WOSCAP Theoretical

¹ The name Sri Lanka was only adopted by the country in 1972. Before that date it was known as Ceylon. For consistency's sake throughout this text we shall use 'Sri Lanka' also when we refer to events or developments before 1972.

² The first author (Georg Frerks) has a distinguished record of academic work and consultancies on Sri Lanka. Part of the current study is based on / derived from earlier work by him and his co-authors. This is especially the case with Frerks & van Leeuwen 2000, Frerks & Klem 2005, Frerks and Klem 2006, Frerks and Weerackody 2011, and Terpstra and Frerks 2015. For reasons of readability references to these works are only mentioned at the beginning of the different sections of this report. In addition, both current authors visited Sri Lanka in early 2016 and have been able to carry out a limited number of interviews and project visits in the field.

and Methodological Framework (esp. Ch. 6), four major areas have been selected for this study on Sri Lanka:

- Background information on the conflict in Sri Lanka
- International involvement in the Sri Lankan conflict
- EU presence in Sri Lanka
- Specific information on selected EU policies / projects carried out in Sri Lanka

More specific research questions have been formulated /operationalized for the Sri Lanka case and they have been listed in a topic list (See annex 1). Several of the respondents and organizations interviewed in Sri Lanka requested to remain anonymous, as they worked on sensitive issues that especially under the Rajapakse regime were deemed controversial and could easily create trouble.

The systematic operationalization and resulting topic list as documented in annex 1 are fairly comprehensive. It is, however, not intended to deal exhaustively with all aspects at the same level of detail in all interviews. This depended on the context and relative relevance of the respective issue. Hence, the topic list served as a help to the involved researchers, but it was realized that not all details were covered to the same degree due to limitations of time, budget and the complementary nature of the desk studies as such in the whole of the WOSCAP project.

2.3 A note on terminology

The concepts and terminology used in policy documents and literature on the subject of conflict prevention and peacebuilding in intrastate conflict are mostly not unequivocally clear. Notions such as peace, conflict, conflict prevention, reconstruction, peace building and a whole array of notions derived from traditions in humanitarian assistance and development cooperation are, in fact, used in a very imprecise manner, or at least by different actors in different ways. Apart from cultural, disciplinary and epistemological reasons, this is caused or aggravated by the situation on the ground, which in many conflict countries cannot be grasped easily by referring to neat categories or typologies. Most situations in countries with intrastate conflict are extremely unstable, fluid or transitional. Some countries move between peace and war, depending on which region or season we are talking about.

Moreover, discourses and wordings do not only differ according to the specific conditions encountered in the field, but also for each (policy) actor involved, varying from the government and conflict parties in the country concerned, to particular donor countries and their governments, departments, agencies, civil or military authorities and non-governmental organizations as well as international or supranational organizations. All these actors have specific interests, backgrounds, 'languages' and perceptions. This makes the description and analysis of the situation, an assessment of policy actions and corresponding lines of action more complicated. The same ambiguities and questions affect the policy formulation and implementation of the actors involved in the Sri Lankan conflict, including the EU.

3. Overview of the conflict in Sri Lanka and the post-war period³

3.1 Historical antecedents

The conflict between the GoSL and the LTTE has long historical roots in pre-colonial, colonial and post-independence developments and government policies (de Silva 2005). In fact, many current debates about the conflict and the position of the different ethnic communities revolve around the interpretation of historical facts. In today's Sri Lanka there is a strong historical awareness among the different ethnic groups, and the interpretation of history has been strongly affected by present realities, political commitments and affiliations. Especially the constructions of the different ethno-nationalist identities over the course of time have continued to bear upon not only the conflict itself, but also on post-war developments and any options to come to a future political settlement of the differences.

Written by Buddhist monks, ancient Sri Lankan chronicles have played a powerful role in defining Sinhalese understandings of the island's history and identity. The *Mahavamsa* (6th century AD) narrates the arrival of Vijaya, the legendary founding father of the Sinhalese, and the succession of Sinhalese kings from the sixth century BC to the fourth century AD. Sri Lanka's reputed historian K.M. de Silva notes that "The central theme was the historic role of the island as a bulwark of Buddhist civilization" (de Silva 1981: 3-4). In one of its most famous scenes, the *Mahavamsa* describes the 'heroic' resistance and victory of Sinhalese King Dutthagamini over Tamil King Elara who had invaded Sri Lanka from South India. De Silva states that: "This was to become in time the most powerful of the historical myths of the Sinhalese and the basis of their conception of themselves as the chosen guardians of Buddhism and of Sri Lanka itself as a place of special sanctity for the Buddhist religion" (1981: 4). The different European colonialisms added new layers of complexity to the ethno-religious landscape by introducing new religions (thereby diversifying ethnic communities) and 'importing' new population groups of which the 'Upcountry' or 'Indian' Tamils (vs. the Jaffa or Ceylon Tamils) form the largest. Colonialism also led to the emergence of a Eurasian population, commonly known as (Portuguese or Dutch) Burghers. British colonial rulers were known to have privileged Burghers and Tamils as civil servants leading to Sinhalese discontentment (Bandarage 2009: 31; Roberts 1997: 228-229, 255). The British also reified ethnic identity by introducing separate categories in the census. These categories became important, as they "provided the basis for entitlements and rights, such as places in the administration and in the Legislative Council" (Wickramasinghe 2006: 45).

The creation of ethno-nationalist identities was further promoted by the Buddhist, Muslim and Hindu revivalist movements that originated in late 19th and early 20th century in protest against dominant Christianity and proselytizing activities (Jayawardene 2004: xii-xiv). These movements assumed a more nationalist and political character when they turned into a demand for Sri Lankan self-rule in the early 20th century. Whereas till around 1920 Sinhalese and Tamil forces united in attempts to acquire more indigenous influence and eventually self-

³ Parts of this text are derived from Terpstra & Frerks (2015).

rule vis-à-vis the colonial government, they later split on disputes about power-sharing and the number of seats each community would get in the Legislative Council and its successor - the State Council.

Sri Lanka, still called Ceylon at that time, became independent on 4 February 1948. It became formally a dominion of the United Kingdom with the British King as its Head of State, represented by a (local) Governor-General in Sri Lanka. Sri Lanka became a parliamentary democracy. The constitution provided for a bicameral legislature with a popularly elected House of Representatives and a Senate that was partly nominated and partly elected indirectly by members of the House. The prime minister and his cabinet, chosen from the largest political group in the legislature, held collective responsibility for executive functions. Since 1948 Sri Lanka has gone through regular Parliamentary elections leading to cabinets of different political shades and colour. The military of Sri Lanka comprised the Sri Lankan army, the Sri Lankan navy and the Sri Lankan Air Force and was in the beginning hardly more than a ceremonial outfit.

As a consequence of the universal franchise granted to Ceylon in 1931, a number of political parties had formed in the 1930s and 1940s. The most important were the conservative United National Party (UNP), the Communist Party (CP), the (Trotskyist) Lanka Sama Samaja Party (LSSP), and the Bolshevik Samasamaja Party (BSP). The principal Tamil leader in the 1930 and 1940s, G.G. Ponnambalam, promoted Tamil consciousness and set up the All-Ceylon Tamil Congress in 1944. However, Ponnambalam's decision to cooperate with the first post-independence government and to accept a minister's post led to a split in the All-Ceylon Tamil Congress and the establishment of the (Tamil) Federal Party under the leadership of S.V.J. Chelvanayakam.

3.2 Political background to the conflict and the rise of Tamil nationalism

The violent conflict was a culmination of growing tensions between consecutive Sinhalese-dominated governments and increasingly radicalizing Tamil groups that started to fight for an independent state for the Tamil population, called *Tamil Eelam*, from the mid-1970s onwards. Though Tamil political parties had demanded a federal system from 1949 onwards, no tangible progress had been achieved. In fact, several pacts concluded between Tamil Federal Party (FP) leader Chelvanayakam and subsequent Sri Lankan prime ministers were withdrawn due to Sinhalese resistance. The idea of a separate Tamil state arose in response to grievances that emerged due to post-independence government measures deemed exclusionary and discriminatory by the minorities and the Tamils specifically as summarized below.

3.2.1 Disenfranchisement of Indian Tamils

Shortly after independence the government took the controversial decision to disenfranchise the Indian Tamil population by adopting Citizenship Act No. 18 of 1948, which rendered one million 'Indian' Tamils stateless. The disenfranchisement was only undone by the enactment of the Citizen (Amendment) Act and the Grant of Citizenship to Persons of Indian Origin Act in

2003, resolving this problem of inflicted statelessness after 55 years (Rosairo 2004: 85). This disenfranchisement had led to anxiety among Sri Lanka's minority groups, including the Ceylon or Jaffna Tamils who saw this as a bad omen of what Sinhalese-dominated governments could do towards the minorities.

3.2.2 Sinhala Only

In September 1951, S.W.R.D. Bandaranaike formed the Sri Lanka Freedom Party (SLFP), which aimed to appeal to the common Sinhalese electorate through a more leftist and Sinhalese-focused ethno-nationalist agenda. In the run-up to the 1956 elections, he announced the 'Sinhala-only' policy which promised to make Sinhalese the only official national language within twenty-four hours after election victory. This policy introduced pernicious ethno-nationalist ferment in Sri Lankan politics and created much anxiety among the minorities who feared exclusion and loss of economic opportunities. Under the new rules, civil servants would have to be fluent in Sinhalese, effectively excluding Tamil-speaking Sri Lankans from government jobs or those who only spoke English. After 1956 many English speaking Burghers left Sri Lanka and migrated to Australia.

3.2.3 The Rise of the Federal Party

In the 1956 election the FP became the most influential Tamil party. The FP aimed at a federal state with a separate area for the Tamil speaking Northern and Eastern Provinces. It also demanded a stop to state-aided colonization by Sinhalese in the Eastern Province (ICG 2008: 4-6) and that both Sinhalese and Tamil be recognized as official languages. In June 1956, the FP organized non-violent demonstrations against the introduction of the new government policies, which were attacked by organized Sinhalese mobs (Wickramasinghe 2006: 271). The police did not interfere (Swamy 2002: 10), and anti-Tamil violence spread across the country. Swamy and Wickramasinghe assert that an estimated 150 Tamils died in the riots, including women and children (Swamy 2002: 11; Wickramasinghe 2006: 272). In 1957 there was again communal violence against Tamils.

In an attempt to resolve the dispute, Bandaranaike and Chelvanayakam agreed to a compromise in 1957. This Bandaranaike-Chelvanayakam pact dealt with the disputed language and colonization issues and also allowed administrative decentralization, but was never implemented due to resistance from radical Sinhalese nationalists, including the *Sangha* (Buddhist monks). While Bandaranaike later passed a more nuanced Language Act, this was not acceptable to his radicalized followers, and a Buddhist monk assassinated the prime minister in 1959.

3.2.4 The 1958 Anti-Tamil Riots

In May 1958 there were again serious Sinhalese-Tamil riots that left 300 (mainly Tamils) dead and over 1,000 injured. A group of FP supporters returning from an annual party convention were attacked with knives and clubs. "Within hours, Tamils came under marauding attacks all over Polonnaruwa, Batticaloa as well as Colombo and its suburbs, precipitating a massive

exodus to the North ... More than 20,000 Tamils had to be sheltered in refugee camps in the Sri Lankan capital" (Swamy 2002: 12-13). Wickramasinghe states that "politically motivated Buddhist monks and rowdy elements organized anti-Tamil rioting in all parts of the Island" (2006: 272). Clarence observes that: "From this critical moment, the Tamils realized that they could no longer rely on the state to protect them" (2007: 37).

3.2.5 1960s and 1970s: Sinhala Only Act, Settlement Schemes and Standardization

After a brief interim period following Bandaranaike's death, his widow Sirimavo was elected as the world's first female prime minister. She laid the foundations for the Sri Lankan welfare state, but also took measures deemed discriminatory by the Tamil and Muslim communities, including the full implementation of the Sinhala Only Act from 1 January 1961. New land policies, particularly government colonization schemes in Tamil areas in the East and the subsequent settlement of Sinhalese farmers, were another major cause of Tamil resentment. In 1961 the FP organized non-violent campaigns against these measures, but these were dispersed by police and troops "with brutal force, resulting in many injuries" (Clarence 2007: 37-38).

After the elections of 1965 Dudley Senanayake became prime minister and the Senanayake-Chelvanayakam Pact was concluded, promising to establish District Development Councils offering a degree of decentralization. It also stated that the demographic composition of Tamil speaking areas would not be undermined by Sinhalese settlers in state-aided colonization schemes. It would further recognize Tamil as a parallel official language and resolve the question of the Indian Tamils' statelessness. However, the provisions of the Pact were ultimately not implemented due to internal (Sinhalese) resistance.

In 1970 Sirimavo Bandaranaike regained the premiership and introduced the so-called "standardization" policies aimed at a 'politically acceptable ratio of Sinhalese to Tamil students' (Bandarage 2009: 54). "It abandoned the merit system in favour of a preferential system that required higher marks for Tamil-language students than for Sinhala language students to qualify to enter the university science faculties" (Bandarage 2009: 54). "The feeling that they were openly discriminated against was a major factor in the alienation and radicalization of Tamil youth" (Bandarage 2009: 61). At the same time there were few employment opportunities. By 1979, 41% of the young Tamils with a GCE/A level qualification were unemployed (Bandarage 2009: 78).

3.2.6 The 1972 Constitution

In 1972 Parliament adopted a new Constitution that turned the country into a Republic and changed its name from Ceylon to Sri Lanka. Particularly controversial was the removal of clauses 29(2) and 29(3) of the previous Constitution, which had provided protection to minorities against discriminatory state policies on grounds of community or religion. In addition, the new Constitution gave the "foremost place" to Buddhism and explicitly tasked the State with its protection, something not provided to the other religions in Sri Lanka. Other Tamil grievances were the lack of land development and overall investments by the state in the

North and East. Tamil leader Chelvanayakam resigned from his parliamentary seat in protest against the constitution and pleaded for the right of self-determination for the Tamils (Chelvanayakam 2005: 275, 279, 285).

In 1972, the various Tamil parties joined to form the Tamil United Front (TUF) and began to discuss the idea of a separate state in response to the 1972 constitution. By providing primacy to the Sinhalese language and Buddhist religion, lacking provisions for meaningful devolution of power, let alone a federal solution, and dropping the previous limited protections against discrimination, the new constitution was felt to ignore Tamil demands and aspirations. Tensions were aggravated by violence against Tamils by police and security forces. In 1976 the TUF was replaced by the Tamil United Liberation Front (TULF), which became the first Tamil political party to endorse a separate state. At the first TULF national convention held in Vaddukoddai that same year the party resolved “that 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 has become inevitable in order to safeguard the very existence of the Tamil nation in this country.”

From this moment on, Tamil politics took a fundamental, and ultimately violent, turn. This was spearheaded by middle-class youth in opposition to both the Sinhalese-dominated state and the established Tamil political elite. Tamil parliamentary nationalism and the option of non-violent action lost appeal as they were perceived as having failed to deliver any meaningful results to the increasingly frustrated and restless younger Tamil constituency. Though the TULF finally embraced the call for secession and separatism in the Vaddukoddai resolution, militant youths had already taken these steps much earlier.

3.3 Emergence of the armed Tamil militancy and the LTTE

The situation in the North grew increasingly violent with protests, attacks, bomb explosions and assassination attempts. This led to widespread arrests and jailing of suspects without being charged or convicted, and ‘a reign of police terror in the North’ by the government (Bandarage 2009: 69). Over the years a variety of militant youth groups emerged. In 1967 students from St. Patrick College in Jaffna had set up the *Eela Thamil Elangar Eyakam* or the Eelam Tamil Youth Movement (ETEE) in protest against the government’s educational policies and overall oppression. In 1969 the Tamil Eelam Liberation Organisation (TELO) was set up with Vellupilai Prabhakaran, the later LTTE leader, as one of its members. On 27 July 1975 the Tamil New Tigers (TNT) under the leadership of Prabhakaran killed Alfred Duriappah, the SLFP’s Tamil mayor of Jaffna who was seen by the militants as a collaborator of the Government. On 5 March 1976 Prabhakaran robbed the People’s Bank in Puttur and walked away with half a million rupees (Swamy 2002: 31). On 5 May 1976 he founded the LTTE. A group of Tamils in London formed the Eelam Revolutionary Organisation of Students (EROS) from which later the Eelam People’s Revolutionary Liberation Front (EPLRF) split off. In those early days of Tamil militancy, there were more than 30 different groups, differentiated by caste (*karayar*, *vellala*), region (Jaffna, Mannar, Batticaloa, Amparai), ideological position (nationalist, revolutionary, Marxist etc.) and allegiance to individual personalities. Several militant factions had produced or acquired arms, with some receiving guerrilla training, reportedly with the help of India, but also, in the case of EROS, by the PLO in Lebanon. In the course of time, these groups would not

only attack the common enemy in the form of the Sinhalese state, but also target each other in a search for exclusive leadership and ideological hegemony. Of those groups the ERPLF, EROS, LTTE, PLOTE (People's Liberation Organisation of Tamil Eelam) and TELO proved to be relatively stable and durable (Bandarage 2009: 97). Many of the insurgents, including those belonging to the LTTE, hailed from the fishing areas of the Jaffna peninsula and belonged to the *karayar* caste.

In the years since 1976, Prabhakaran further developed the LTTE, which started training new recruits, and gave itself a logo, a central committee and a constitution. The LTTE started to engage in armed skirmishes on a significant scale with the Sri Lankan army from the late seventies onwards. It engaged in a series of (bank) robberies and killings of policemen, for which the organization claimed responsibility in a letter to the press in 1978. On 7 September 1978 the organization blew up an aircraft at the Ratmalana airport close to Colombo. They also started a propaganda campaign outlining their struggle (Swamy 2002: 64-65). Anton Balasingham, a journalist and academic, joined the LTTE giving ideological classes to LTTE members and further developing its political and ideological stance. President Jayewardene proscribed the movement in 1978. He passed the Prevention of Terrorism Act in 1979 giving extraordinary powers to the police and army, which reportedly led to extra-judicial killings and disappearances. At the same time fighting intensified in the North and East with insurgent attacks on police, army and government officials, and counter attacks by the security forces in which also many civilians were killed.

3.4 The armed conflict

3.4.1 Black July and Eelam War I (1983-1987)

The conflict between the GoSL and the LTTE surfaced internationally as an overt, violent conflict in July 1983, when thirteen Sinhalese soldiers were ambushed in Tirunelveli in North Sri Lanka by the LTTE. Riots broke out in Colombo killing hundreds, if not thousands of Tamils (estimates go up to 3,000 casualties) and damaging the homes and livelihoods of probably 30,000. An estimated 100,000 Tamils were displaced in Colombo and 175,000 fled abroad. The violence in Colombo was planned with the participation of politicians and government staff, and with the use of government vehicles. The rioters also had voters' lists and the addresses of Tamil house- and shop-owners (Tambiah 1996: 94-7). Observers have also noted that the government did not act to stop the violence and only declared a curfew when the worst was over.

The July riots in 1983 were in many ways a watershed. Wickramasinghe describes the repercussions of 'Black July' as follows:

"The riots of 1983 left a lasting imprint on the collective consciousness of the Tamil people. For many it led to exile and refuge in foreign lands, for others to a heightened sense of alienation from the state that spawned radicalism; for others it led to an erasure of identity, a refusal to be incorporated in a given identity. (...) The events of 1983 made 'terrorists'. For the insurrectionist groups they were a bonanza in that their ranks suddenly multiplied" (2006: 287).

On top of that, the various rebel groups also got support from India. The Indian external intelligence agency, the Research and Analysis Wing (RAW), started training and arming the different rebel groups on a large scale; in total an estimated 1,200 young Tamils received training in Dehra Dun, close to Delhi, between 1983 and 1987 (Swamy 2002: 102 and 110). Those who finished their training in turn trained thousands of new recruits in dozens of camps set up in Tamil Nadu, helped by retired Indian army officers. Swamy states that the numbers trained by 1985 would have equalled or surpassed the strength of the Sri Lankan army (2002: 112). Gunaratne mentions an estimated 20,000 persons that received training and weapons in India (in: Bandarage 2006: 114).

Black July and its aftermath started a full-blown war that was to last over twenty-five years. In the fighting that ensued, the government came under criticism by international human rights organizations for human rights violations, while many Sinhalese lost their lives due to violence, including terrorist attacks against civilians, by the insurgent groups. Large numbers of both Tamil and Sinhalese civilians were displaced. The fight by the rebel groups between 1983 and 1987 became known as Eelam War I. Three other 'Eelam Wars' were to follow. Over the years the LTTE forcefully gained dominance over the other Tamil militant groups to the point where it claimed to be 'the sole representative of the Tamil-speaking population'. In order to reach that position, it decimated competing groups. Hundreds of TELO and EPRLF cadres were killed from 1986 onwards (Wickramasinghe 2006: 289).

3.4.2 Indian involvement (1987-1990)

After failed Indian mediation initiatives in Thimpu, Bhutan and Bangalore, the Indian and Sri Lankan governments concluded the Indo-Lanka Accord in 1987 leading to the deployment of an Indian Peace Keeping Force (IPKF) to enforce a ceasefire. The militant Tamil groups were, however, not party to the Accord, and only reluctantly agreed. Yet, as soon as the Indian forces arrived, they came to be seen as enemies by the movement. Alleged abuses by the IPKF led to resentment among the Tamil population, while the IPKF was unable to counter the LTTE's guerrilla warfare. The Indian presence was also unpopular among many Sinhalese and president Premadasa who was elected in 1988 on an anti-IPKF ticket, requested the Indians to leave the country while secretly arming the LTTE to fight the IPKF. The IPKF ended in failure and left the country in 1990, leaving large caches of weapons and ammunition that fell in the hands of the LTTE.

3.4.3 Continuation of violent conflict: Eelam War II and III (1990-2002)

Tensions between the LTTE and the Premadasa government grew quickly, marking the start of 'Eelam War II' by the LTTE. The government commenced a counter-insurgency campaign, including the bombing of Jaffna. The LTTE now also began targeting Muslims, the forced expulsion of about 120,000 Muslims from the Northern Province in 1990 being the most dramatic example. The LTTE killed Indian Prime Minister Rajiv Gandhi in 1991 in a notorious attack by female suicide bomber Dhanu. The LTTE also assassinated several Sri Lankan ministers and ex-ministers. The violence worsened with countless massacres, disappearances

and political killings in which both sides seemed to be equally involved. In 1993 a LTTE suicide bomber killed Prime Minister Premadasa.

Though Ms. Bandaranaike Kumaratunga won the 1994 presidential elections on a peace agenda, talks between the government and the LTTE failed in April 1995, and 'Eelam War III' started. The Government answered with its 'War for Peace', including an all-out attack on Jaffna city, leading to massive displacement of the local population. The 'War for Peace' aimed at forcing the LTTE to the negotiation table while formulating a devolution package to address the political differences. However, the proposed constitutional reform was never able to get the required parliamentary support from the opposition, while its 'diluted' contents were also rejected by the LTTE. In the meantime violence between the parties continued during the second half of the 1990s with the LTTE able to recapture parts of the areas lost in 1995, including the strategic Elephant Pass. In areas under its control ('the Vanni'), the LTTE set up its own administrative structures, such as the police, the judiciary, tax collection etc., while allowing the continuation of the Sri Lankan state services in the general administration and the provision of social services. These state services, however, functioned in close collaboration with, if not under the complete control of, the LTTE.

3.4.4 Cease-Fire Agreement (2002-2008)

A Cease-Fire Agreement (CFA) was brokered on 23 February 2002 by the Norwegian Government and monitored by the Sri Lanka Monitoring Mission (SLMM). The new government under UNP Prime Minister Wickramasinghe de-proscribed the LTTE and engaged in peace talks with the movement. Within a year, six rounds of peace talks were held in various parts of the world. In April 2003, however, the LTTE suspended its participation in the talks, citing its exclusion from a donor meeting in Washington (the LTTE was proscribed in the US) and the lack of sincerity on behalf of the government as the main reasons. Instead, the LTTE presented its own proposal on an Interim Self-Governing Authority (ISGA) for the Northeast in October 2003, which raised furor and anxiety among the Sinhalese.

The CFA was in the meantime marred by numerous violations. Amidst protracted violence in the East, the tsunami hit the Sri Lankan shores on 26 December 2004. Tsunami relief and reconstruction aid became soon subject to political manoeuvring and disagreement between the GoSL and the LTTE (Frerks and Klem 2011). After a tumultuous political period, Mahinda Rajapakse was elected President in 2005. Rajapakse realized that the international 'War on Terror' had reframed the conflict and systematically referred to the LTTE as 'terrorists' (irrespective of it having no factual link to 9/11), resulting in a loss of international support for the movement and it being placed on international lists of proscribed terrorist movements.

3.5 Eelam War IV, the LTTE defeat and post-war developments

After the defection of Colonel Karuna and his followers from the LTTE in 2004, the balance of power in the Eastern part of the island shifted to the GoSL. In 2007, President Rajapakse was able to regain military control of the East and evict the LTTE. After that, the tables turned against the LTTE. The GoSL formally abrogated the CFA to pursue a military solution to the conflict. A bloody military campaign with high military and civilian losses, initially against fierce

LTTE resistance (Eelam War IV), led finally to the defeat of the LTTE in May 2009 and the complete extinction of its military and political leadership, including leader Prabhakaran. President Rajapakse claimed the total victory.

The last period of the war resulted in possibly 40,000 civilian casualties and about 300,000 internally displaced persons (IDPs), mainly Tamils from the North fleeing from the violence. They were housed in so-called welfare camps in the Vavuniya District, while being checked on their affiliation with the LTTE. The GoSL provided basic needs such as temporary shelter, food, water, sanitation and medicine, but came under international criticism for the alleged deficiency of the aid provided and the time it took to conduct the security screening. The government started de-mining the war-affected areas, clearing the ground for resettlement and the resumption of agriculture. Children and young people forcibly conscripted by the LTTE were rehabilitated in camps around the country. The majority has been released back to their families at the completion of their rehabilitation period. Meanwhile, on the request of the United States the UN Human Rights Council in Geneva started an international investigation into alleged war crimes and crimes against humanity during the last phase of the war.

The post-war situation was characterized by continuing discontent of the Tamils who not only felt hurt but also feared that their rights and grievances will not be addressed by a victorious and insensitive government. After a surprising defeat of Rajapakse in the presidential election in January 2015, new President Sirisena seemed somewhat more inclined towards listening to Tamil demands and make some concessions, but it remains to be seen to what degree this line of action will be followed by the new Government installed after the August 2015 Parliamentary election under leadership of Prime Minister Wickremesinghe. Some promising initiatives to deal with the underlying grievances have been undertaken. These include appointments of civilian governors to the Northern and Eastern provinces, a level of demilitarization of the North and East, including the removal of checkpoints, collaboration with the investigation in the end of the war with the UN Human Rights Council in Geneva. In its *World Report 2016* Human Rights Watch observed that: "The government of President Maithripala Sirisena promptly initiated a series of constitutional reforms, including establishing a constitutional council and restoring the independence of the judiciary, police, and human rights commissions. Civil society groups are once again able to speak out safely on issues of concern. In December, the government signed the United Nations Convention against Enforced Disappearance, a step toward tackling a massive decades-long problem." The government began the process of public consultations on accountability and truth mechanisms. The government also began to investigate some emblematic rights violations during the conflict, including the killing and enforced disappearance of journalists, but progress remained slow.⁴ In summary it can be said that the government embarked on a number of promising initiatives, but that it is still too early to conclude whether they will lead to any lasting results, also in view of the political balancing act that is required from the government in view of the opposition of large parts of its Sinhalese supporters, vocal politicians, sections of the media and elements of the *Sangha* (the Buddhist monastic order).

⁴ Source: <https://www.hrw.org/news/2016/01/27/sri-lanka-new-government-makes-significant-progress-0;> accessed on 31-10-2016.

3.6 Sri Lanka's foreign policy

Under the first UNP governments after independence Sri Lanka generally followed a pro-Western course. Since 1948, Sri Lanka has been a member of the Commonwealth of Nations and the United Nations.

Apart from the leftist position domestically, the SLFP governments that ruled in the 1950s, 60s and 70s took a more neutralist position internationally and joined the Non-Aligned Movement. The country drew closer to socialist countries such as the USSR and China. There were also fairly close links with India, and Sri Lanka joined several regional organizations and conventions. It became a member of the Colombo Plan, the Asia-Pacific Economic Cooperation and the South Asian Association for Regional Cooperation. It also became a member the World Bank, the International Monetary Fund and the Asian Development Bank.

With the government of Jayewardene (1977-1989) the country underwent a process of economic liberalization that continues up to present despite changes in government. During the 1980s en 1990s Sri Lanka became something of a 'donor darling' and received considerable amounts of foreign development aid (grants and loans) from the World Bank, The Asian Development Bank, Japan and western donor countries. This culminated under the pro-western government of Ranil Wickramasinghe (2001-2004) that also initiated the CFA and was supported by nearly all donor countries with programmes and investments, several of which focused on conflict-related issues and peacebuilding initiatives. With the increasing western criticism on the handling of the conflict by the Rajapakse government, the alleged war crimes during the final phase of the war, the human rights record of the government and the alleged authoritarianism prevailing in the country, many western nations stopped providing aid, except for humanitarian purposes. This was also due to Sri Lanka achieving lower middle income status and not being eligible to development aid anymore. Instead, the Rajapakse government focused on bilateral agreements with India, China, South Korea and middle-eastern countries to fund its development programmes, next to continuing support from the international financial institutions (IFIs). In contrast, the government became increasingly wary of western governments, INGOs and NGOs that it accused of having been pro-LTTE during the war and of interfering in Sri Lanka's internal affairs. The statements of some politicians and more extremist elements within the government verged on xenophobia and tended to promote conspiracy theories. In this manner it seemingly tried to debunk any outside criticism on the government, whatever its credits might have been.

3.7 Interpreting the conflict

The explanation and interpretation of any conflict is bound to be controversial. Likewise, the Sri Lankan conflict is subject to intense political, societal and academic debate. The conflict is generally seen as 'a complex political emergency' (Goodhand and Hulme 1999) that defies a mono-causal interpretation. Academic sources mention different causes or combinations thereof, including competing ethno-nationalisms and religious ideologies, ethnicized politics, failed nation-building, inequitable centre-periphery relations and anti-state violence. Structural adjustment and economic reforms, South Asian power dynamics and western interests are also frequently quoted factors with regard to the origin and escalation of the conflict in Sri Lanka (see among others: de Silva 2005; Dunham and Jayasuriya 2001; Nesiah 2001; Spencer 1990;

Uyangoda 2007). Hence, there is a variety of interpretations with regard to the conflict, which are partly complementary and partly contradictory. During their fieldwork in 2005, Frerks and Klem distinguished nine different discourses on conflict and peace in Sri Lanka (Frerks and Klem 2005). More recently, the discourse in Sri Lanka is dominated by the victorious government's viewpoint that tends to describe the conflict as a problem of a democratically elected government attacked by a terrorist movement that was condoned, if not supported by western interests. This hegemonic discourse states that, now the terrorists are defeated and the areas under their control liberated, reconstruction and development of those areas can be resumed, and that no further problems of a political nature are to be expected. This however is contested by the Tamils and their parties, academics and NGOs who argue that the political issues underlying the conflict have not been resolved and that more efforts are needed to attain reconciliation, while also the final phase of the war should be examined including alleged war crimes and the disappearances.

4. International involvement in the Sri Lankan conflict⁵

4.1 Four major phases of international engagement

Though all attempts at periodization are somewhat arbitrary, it is possible to roughly distinguish four different phases of international engagement with the conflict and peace process in Sri Lanka.

4.1.1 A distant war: remote interest, remote control (1983-2000)

It is important to keep Sri Lanka's global position in perspective. Though Western donors, Japan and multilateral agencies had interests in Sri Lanka in terms of trade, migration, diplomacy, international principles and ideologies as well as a development agenda, at the beginning of the war none of these could be considered a major concern in the regional and global context. Limited Western interests, a rather mild political dialogue and the implicit or explicit Indian pre-dominance in the region have been consistent factors in that period. Notable exception was the Indian involvement that peaked with the signing of the Indo-Lankan accord in 1987 and the subsequent deployment of the Indian Peace Keeping Force. Overall, however, the 1980s and 1990s were a period of relative limited involvement of the international community in the conflict. Foreign actors had fairly limited influence on the Sri Lankan government and the LTTE till the signing of the CFA with the assistance of the Norwegian government.

4.1.2 Engaging with the peace process (2000-2006)

The peace process starting with the CFA, however, represented a coincidence of major domestic and international changes of orientation. At the domestic level, the two main parties – the UNF government and the LTTE – explicitly reached out to the international community for support and cooperation, whereas international cooperation became increasingly geared towards the peace, security and development nexus something that had already started carefully in the decade before. Thus, the peace process attracted the more willing involvement of donors (due to changing policy), at the same time making it more feasible for them to take part (given the more open stance of the warring parties). In addition, the tsunami raised a lot of international humanitarian assistance.

⁵ Parts of this section are derived from Frerks & van Leeuwen (2000) and Frerks & Klem (2006).

4.1.3. Disengagement and critique (2006-2015)

Once the peace process unravelled and the new Sri Lankan government under president Rajapakse chose to pursue a military solution to the conflict, the relations of the government with the western donor community changed again into a much more distant, if not sometimes hostile, relationship. The Sri Lankan government turned to countries like China, Iran and Libya side-lining the western donor community. The western donors increasingly questioned the militarized approach of the government and its deteriorating human rights record. After the end of the war allegations of war crimes and crimes against humanity dominated and soured the relationship.

4.1.4 Donor re-engagement under a new dispensation (2015-present)

After the electoral defeat of President Rajapakse early 2015 there was a rapprochement between the western donor community and the government under president Sirisena. The international community was relieved that there was a change of government and squarely stood behind the new government and its promised post-conflict policies.

4.2 Diplomatic and political efforts

For a long time, observers have pointed to the lack of concerted international political attention or intervention in the conflict in Sri Lanka during a major part of its existence. In 1999, over fifteen years after the conflict started, Bush stated: 'There has never really been a concerted, common, framework by donors to influence the (dis)incentive structure' (Bush 1999: 5), while Goodhand observed that: 'Sri Lanka does not represent an attractive site for a "peace rush" among international mediators at the present moment. The acceptance of the Indo-centric character of the subcontinent has served to limit political attention or intervention' (Goodhand 2001: 52).

Some major diplomatic efforts to intervene in the early stages of the Sri Lankan conflict were taken by India however. There were several attempts at mediating negotiations between the government and the LTTE by India in the mid-1980s such as the talks in Bangalore and Timpu, but these failed. The 1987 Indo-Lanka accord included provisions for administrative and political reform (devolution) and provided the Indian Peacekeeping Forces in an attempt to bring peace to the conflict-affected North and East of the country. It failed, however, to include the LTTE in the negotiations and this ultimately prevented the agreement from becoming a success. In the process, the Indian peacekeepers became entangled in the fighting and ultimately had to leave Sri Lanka in 1990 unsuccessfully.

Generally, the (lack of) international response to the conflict in Sri Lanka can to some extent be explained from the lack of a critical mass favouring political pressure. Some attention was generated in the mid-1980s by the influx of Tamil refugees and asylum seekers to Europe, Canada and Australia, but this did not lead to action vis-à-vis the government. The diplomatic and political consequences of the Sri Lankan conflict were deemed limited and no major international interests were at stake. Interpretations by international donor agencies, NGOs and governments of the violence and possibilities for an international response were

influenced by the increasingly vocal representation, ventilated by the Sri Lankan authorities, of the conflict as a legitimate, internal struggle of a democratically elected government against a separatist movement, which –the government asserted- did not need any form of ‘internationalisation’.

Global concerns with the state of affairs were during the 1990s mainly expressed through insisting on a negotiated peace between the Sri Lankan government and the LTTE. Over the years there were several calls for third-party mediation mainly by civil society organizations, and the United States, France, Australia, Canada and the United Kingdom, among others, have offered their services. There have also been persistent rumours about the involvement of former President Mandela of South Africa. The then British Minister of State in the Foreign Office, Liam Fox, unsuccessfully tried to broker an agreement between the government and the opposition parties during a visit in 1996. Similarly, there were attempts of second and third track diplomacy by international or national NGOs, but also these failed to reach any success. None of these endeavours for third-party mediation actually materialized, as the GoSL did not favour such international mediation and ‘discouraged unsolicited engagement from the international community’ (Burke and Mulakala 2005: 15-16). It also remains a question as to how far the main parties to the conflict were really interested in intervention by outsiders to come to a negotiated settlement. At the end of 1998 the LTTE offered to restart peace talks on condition of third-party mediation, but the offer was rejected by the government. At the same time, however, there were serious doubts about the willingness of the LTTE to reach a political solution and it was alleged that they only bought time to raise funds, re-organize and re-arm.

The situation changed somewhat at the very end of the 1990s when the Sri Lankan government started to explore possibilities of a negotiated settlement. In view of its reputation elsewhere in the world as successful peace mediators, Norway was asked to help in this effort. In January 2000, the Norwegian Minister of Foreign Affairs Knut Vollebaek started an attempt to mediate in the conflict. From 2001 onwards the scope for a settlement increased as on the government side a UNP-led government under prime minister Ranil Wickremasinghe was more favourable to a settlement, while also the LTTE could use a break to consolidate its military expansion in the Vanni in the late 1990s and in view of the problems it faced being listed as a terrorist movement. By 2001, the Sri Lankan government had managed competently to subsume the conflict under the then prominent War on Terror discourse, inducing a more critical stance towards the LTTE among the donor community and claiming for an international prohibition of the LTTE and its proxies in the different donor countries. The LTTE till then had managed to be perceived somewhat favourably in the international domain, due to their superior propaganda machinery and their framing of the conflict as suppression of a minority group longing for justice and self-determination. In any case, it is often argued that the LTTE’s leader Prabhakaran seemed to have started to realize that his position was weakening internationally, while also LTTE fundraising was hampered in several countries. Likewise, the government of Sri Lanka was in dire financial straits having to borrow against commercial interest rates to finance the war. In early 2002 the continuing attempts by Norwegian envoy Erik Solheim, including talks with the Sri Lankan government, the LTTE, the Indian government, and consultations with other stakeholders in Sri Lankan society, led to the signing of a CFA which came into effect on 22 February 2002.

From this moment on, the wider international community became more active. Despite the lack of progress in the talks that were supposed to lead to a political solution of the conflict, a gradual change was noticeable in the focus of development programmes, that became, at least for some part, increasingly geared towards exerting an impact on the conflict's causes, dynamics and consequences. This was a consequence of the growing awareness in the international donor community that development cooperation could be mobilized to help prevent or resolve conflict and to help rebuild societies affected by conflict, as, *inter alia*, promoted in the statements and publications of the OECD Working Group on Conflict and Development in the late 1990s. From a stance of relative abstinence during the first decades of the war, one could see a process of internationalization of the Sri Lanka conflict in the early 2000s. Goodhand and Klem situate this internationalization in the overall trend to liberal peacebuilding where the western donor community tries to promote a mix of market sovereignty, democracy and conflict resolution on the basis of multi-mandated interventions combining diplomatic, military, humanitarian and development actors and programmes (2005: 65). These efforts have also been called integrated, whole-of-government, comprehensive or 3-D (diplomacy, defence and development) approaches. At the same time, it is also true that there are variations between individual (donor) countries, for example Japan, the US, India, the EU and a range of smaller bilateral donors (Goodhand and Klem 2005: 68-69), but on the whole this trend was clearly perceptible. The first years of the peace process even led to what Goodhand and Klem (2005) called a 'peace rush' with a lot of initiatives and increasing aid budgets. Between 2001 and 2003 the aid received by Sri Lanka grew by 350%. Aid became more 'conflict-sensitive' and became increasingly attached to so-called peace conditionalities, which implied that progress in the broad field of peace-building (and also frequently of human rights) became a pre-condition for the provision or continuation of such aid (Frerks and Klem 2006). Attention for the Sri Lankan conflict and peace process also increased due to the then prominent War on Terror discourse, as already observed above.

The Sri Lankan peace process became internationalized in different ways: international security guarantees and an international Sri Lanka Monitoring Mission (SLMM) to supervise the CFA, Norwegian facilitation of Track One negotiations, a co-chair system overlooking the peace process, international funding, support for Track Two initiatives and a donor reconstruction package (Goodhand and Klem 2005: 72). It has been argued that there was in fact an 'over-internationalization', and that the process was not only internationally *supported* but also became nearly completely *driven* by the donors. This may have undermined the credibility of the process domestically. Both the LTTE and audiences in the Sinhala South feared to be caught in a 'peace trap' and ultimately the peace process unravelled and finally failed to produce any tangible result.

After the signing of the CFA a special, international coordination mechanism came into being (notably the four co-chairs to guide the peace process and the International Working Group on Conflict, Peace and Development that worked at the level of the Colombo-based embassies). Donors also started to engage more directly with the LTTE among others through the newly established 'peace secretariat' and the possibility to visit LTTE offices in the de facto *Eelam* capital of Kilinochchi. The humanitarian catastrophe as a consequence of the tsunami fostered new attempts at donor coordination and more generally helped increase international attention to Sri Lanka and the ongoing conflict. However, efforts to coordinate the tsunami-

related activities of the government and the LTTE through the P-TOMS (Post-Tsunami Operational Management Structure) faltered and later failed completely.

At the political level six rounds of talks were held to negotiate a solution between the parties, but also these proved to be short-lived, flawed and ultimately failures, despite the efforts of Norway and the co-chairs of the peace process to reach positive results. In 2003 the LTTE suspended its participation in the talks and its proposal for an Interim Self-Governing Authority created a strong reaction in the South. The President moreover declared a state of emergency and there was a further fragmentation of the political landscape in the South. In 2004 there was also a split in the LTTE through the defection of the Karuna group. Through all these dynamics the prospects for a resumption of the peace talks became increasingly dim.

After the election of a new government and the subsequent election of Rajapakse as president in 2005 hopes to reach a peace accord dissipated. Rajapakse favoured a military solution and started to work in that direction. In 2008 he formally revoked the CFA and launched a military campaign to end the conflict and asked international agencies and NGOs to leave the conflict area. Simultaneously there was a growing international concern about the humanitarian consequences of the conflict and the alleged violation of human rights and perpetration of war crimes. The international community increasingly lost traction with the Sri Lankan government who had chosen to pursue a military solution to the conflict against the preferences of the western world to reach a negotiated settlement, while the government started to exhibit a fierce anti-western stance and looked for less critical partners elsewhere.

During all those developments there was a very limited role for the United Nations at the political plane. All along, the Sri Lankan government objected to discussing the conflict in the Security Council, a position that was supported by Russia, China and India. Similarly, although several Resolutions were passed against the Sri Lankan government in the UN Commission on Human Rights, this also did not lead to further diplomatic steps. On the other hand, UN agencies and specialized programmes played an important role in humanitarian aid and reconstruction. Only more recently, the UN Human Rights Council has passed resolutions brought forward by the US on the end of the conflict that are now being implemented more constructively together with the new Sirisena government.

4.3 Development

An important channel to communicate political responses by the donor community to the GoSL was through the Sri Lanka Development Forum (which was previously named the Donor Consortium). This Development Forum, initiated by the World Bank, the International Monetary Fund and the Asian Development Bank, comprises international organizations, the EU and a range of bilateral donors. It convenes yearly to discuss policies with regard to Sri Lanka and to point out the necessary measures that Sri Lanka should take to achieve economic progress. Bilateral donors announce their annual contribution to development cooperation (pledging). The meetings aim at facilitating the overall coordination of aid policy and implementation. Donors may also take the opportunity to express their concerns about the political situation in Sri Lanka. As such, the Development Forum has condemned human rights violations in the country in a common statement on several occasions. Nevertheless, often no agreement could be reached on how to translate these concerns into policies. All in all, the

Development Forum has not had much direct influence on the behaviour of the Sri Lankan political leadership regarding the conflict. In general, donors have tended to follow the government, which has been at times quite assertive, if not a bit arrogant.

The international community has not been able to pursue a persistent and concerted line of action towards its counterpart. This has been due to different donor opinions and policies on the one hand, and the government's refusal to accept external interference or even mediation on the other. Especially in the early years of the conflict, common institutions and frameworks, such as the EU and the Development Forum, were not able to provide convincing guidance and coordination in this respect. This did not only apply to diplomatic and political initiatives, but also to, for example, common development policies and to such sensitive issues as restrictions or embargoes regarding the arms trade. Philipson remarked in this connection that: 'Governments operating on the traditional diplomatic basis of non-intervention and neutrality, combined with the non-strategic position of Sri Lanka and its excellent record of economic growth despite the war, has resulted in the international community largely leaving the warring parties to their own devices. Nevertheless, continued bilateral and multilateral aid to the government of Sri Lanka without any conditionality regarding human rights abuses or negotiations enables the government to utilize a greater percentage of its GDP on the pursuit of war than might be otherwise the case. Furthermore, the drive towards the return of refugees from Europe has tended towards a premature enthusiasm for declaring the situation to be 'normal' or 'safe' and this trend often masks the reality, for example of daily life for Tamils in Colombo' (1999: 25-26).

As described above, in the late 1990s donor countries started increasingly to realize that aid could be effectively used for influencing conflict and peace. The major response of donor countries, notably those of the West up to the late 1990s, has been urging the government of Sri Lanka to seek a negotiated peace settlement to the conflict. When this insistence on negotiation had to be translated into political measures, these involved usually fairly cautious attempts to condition the amount or type of aid granted. The amount or type of ODA would be related to the seriousness of the efforts of the government of Sri Lanka to reach a solution to the conflict through compromise, as well as by its record on preventing human rights violations.

Nevertheless, despite the continued inability of the government to satisfy these conditions convincingly and the intensification of violent conflict over time, the flow of ODA to Sri Lanka continued to increase until the early 1990s. This suggests that considerations regarding conditionality rather resulted in a change in the nature of the programmes than in reducing the total amounts involved. This generally implied a shift from programme aid to more circumscribed types of project aid. Canada, for example, in a restructuring of its aid in 1989-90, chose to channel ODA primarily through NGOs. This was intended as a message to the government of Sri Lanka. Direct government-to-government assistance would only be reconsidered in case of substantive changes in the human rights situation and overall governance. Norway chose to give assistance through both governmental and non-governmental channels.

A Strategic Conflict Assessment made in 2000 observed that there were three types of aid to Sri Lanka: 1) conventional development assistance channelled through government focusing on structural adjustment, liberalization, government reform and infrastructure investment; 2) humanitarian assistance provided to the North-East addressing the social cost

of the conflict; and 3) assistance to civil society organizations focusing on areas as human rights, conflict resolution, capacity building and judicial reform (Goodhand 2001).

By 2000 some mainly smaller, bilateral donors started focusing their efforts increasingly on conflict-related issues moving from a 'conflict-blind' to a 'conflict-sensitive' development approach, while the largest three donors (Japan, Asian Development Bank and World Bank) demonstrated little recognition of the war and continued business-as-usual (Burke and Mulakala 2005: 13-14). Some donor countries started to get disillusioned with the lack of progress made by the Sri Lankan government and gradually shifted or reduced their aid. As indicated above the mood changed with the arrival of the UNF government in 2001 and the signing of the CFA early 2002, when donors saw again opportunities in engaging with a government that seemed much more willing to listen and prepared to implement policies that were very akin to their own policy preferences. Donors also pragmatically related to the LTTE if needed to promote the peace process and implement their reconstruction programmes in the North and East.

Donors associated themselves closely with the peace process from the very start. In a joint communiqué after the first major aid conference in Oslo on 25 November 2002, the donors expressed their 'strong support' of the peace process and pledged immediate financial assistance, stating that 'International financial assistance is important for people to begin to see tangible benefits of peace in their daily lives.' The statement went on to argue that '[a] lasting peace must be built upon renunciation of violence and respect for the principles of human rights, democracy, rule of law, and recognition of the rights of minorities, and must address the needs of all communities all over Sri Lanka, in order to combat poverty and foster ethnic harmony.' The three main ingredients of this communiqué – donor support to the peace process, a 'peace dividend logic' and a principled approach – would become the common thread running through donor statements in the years to follow.

A second large donor conference took place in Tokyo on 9 June 2003 to discuss reconstruction and development once peace had been reached. Just a month and a half before, the LTTE had suspended its participation in the peace process. Despite international attempts to persuade them, the rebels did not attend the conference. Aid pledges were made for the four years ahead. Donors pledged an unprecedented US\$ 4.5 billion dollars for this period. With particular relevance to the LTTE, they stated they would allocate a 'significant part of their assistance to the North and East'. However, donors stated as well that 'assistance by the donor community must be closely linked to substantial and parallel progress in the peace process towards fulfilment of the objectives agreed upon by the parties in Oslo.' The statement continued that 'the international community intends to review and monitor the progress of the peace process closely'. To this end, they developed ten 'objectives and milestones':

- Full compliance with the cease-fire agreement by both parties;
- Effective delivery mechanisms related to development in the North and East;
- Participation of a Muslim delegation as agreed in the declaration of the fourth session of peace talks in Thailand;
- Parallel progress towards a final political settlement based on the principles of the Oslo Declaration;
- Solutions for those displaced due to the armed conflict;
- Effective promotion and protection of the human rights of all people;

- Effective inclusion of gender equity and equality in the peacebuilding, the conflict transformation and the reconstruction process, emphasizing the equitable representation of women in political fora and at other decision-making levels;
- Implementation of effective measures in accordance with the UNICEF-supported Action Plan to stop underage recruitment and to facilitate the release of underage recruits and their rehabilitation and reintegration in society;
- Rehabilitation of former combatants and civilians in the North and East who have been disabled physically or psychologically due to the armed conflict;
- Agreement by the Government of Sri Lanka and the LTTE on a phased, balanced and verifiable de-escalation, de-militarization and normalization process at an appropriate time in the context of arriving at a political settlement (§18 of the Tokyo Declaration).

In §20 of the Tokyo declaration it was stipulated that: “In view of the linkage between donor support and progress in the peace process, the international community will monitor and review the progress in the peace process. In implementing its own assistance programmes, the donor community intends to take into careful consideration the results of these periodic reviews”.

Thus, the donors hoped that their aid and the conditioning thereof would help attain a final political settlement of the conflict. This is particularly striking when one realizes (with hindsight) that the peace process had pretty much collapsed at the time. The Tigers had suspended their involvement, the co-habitation between the (UNP) Prime Minister and the (SLFP) President was increasingly shaky, the ceasefire agreement was under pressure and violence between Tamils and Muslims in the east was persistent. With the situation deteriorating so rapidly on the ground, it would be a formidable task for either the government or the LTTE to comply with the preconditions. Moreover, donors held contradictory views on what Tokyo really meant leading to confusion and ambiguities. Donors also would find great difficulty putting the monitoring clause to practice. ‘The government left Tokyo with its pockets full, donors left Tokyo locked into a declaration they were ill prepared to implement. The LTTE were simply left out,’ according to Burke and Mulakala (2005: 18).

The climate for the resumption of peace talks deteriorated further after a new UFPA government came to power that was much less conducive towards an active donor role and position vis-à-vis the conflict. As Burke and Mulakala say: “The donors were left scratching their heads as to how direct their efforts at peacebuilding” (2005: 20). They formed the Donor Working Group on the Peace Process to share information, analysis and assessments. They also carried out a scenario analysis and conducted studies to analyse societal trends with regard to peace prospects, but this of course could not change the downward trends, even though they were better understood by the donors than was perhaps the case earlier.

4.4 Relief

After the tsunami hit Sri Lankan shores on 26 December 2004, an immense flow of humanitarian aid was made available to help the survivors and restore their livelihoods. This aid covered both government controlled areas and areas under LTTE control. Though the envisaged joint government-LTTE P-TOMS mechanism failed, agencies were able to provide

aid to most areas based on pragmatic arrangements with the parties and stakeholders involved, including the LTTE. The tsunami aid has, however, not been used to impact the peace process: “Any opportunity the international community had to exert leverage through these funds in support of conflict resolution or peacebuilding principles has been effectively missed” (Burke and Mulakala 2005: 22).

4.5. Trade

For 2015, Sri Lankan exports were about US\$ 10,505 million (provisional figures of Central Bank of Sri Lanka) with imports standing at about US\$ 18,935 million, leading to a trade balance deficit of US\$ 8,430 million⁶ that is only partly offset by remittances. The EU is the second most important trading partner for Sri Lanka with a total trade volume of € 4,734 million or 15.6% of total trade (imports €2,628 million; exports 2,106 million and a trade deficit of €523 million), after India with 19.2% of total trade and followed by China with 15.2%. Major export destinations for Sri Lanka are the EU (27.1%), United States (26.1%), India (7.2%) and China (3.3%), with all other export markets having figures below 3%. Textiles and garments, tea, rubber and rubber products are the largest contributors to Sri Lanka’s export. The EU is the largest export market for Sri Lanka, with 63% of the export comprising textiles. In addition, the EU is the third most important exporter to Sri Lanka.⁷ So, looking at the general picture the EU is a highly significant trade partner for Sri Lanka and, hence, access to the EU market is very important to the country.

Considering the importance of its exports, Sri Lanka is part of a number of trade agreements. Regionally, it is a member of the Bangkok Agreement, one of the oldest preferential trading arrangements, as well as from the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) and the South Asia Preferential Trade Arrangement (SAPTA). These arrangements however have not been very significant in practice and did little to enhance Sri Lanka’s trade (Kelegama 2009: 12-14).

Trade relations between the EU and Sri Lanka are governed by a Cooperation and Partnership Agreement since 1995. Sri Lanka was also a beneficiary under the Multi-Fibre Agreement that was stopped in 2005. Since then Sri Lanka has been benefiting from the EU GSP+ (Generalized System of Preferences) and also from the US GSP system. However, the withdrawal of the GSP+ facility by the European Union in 2010 on grounds of the government’s failure to implement International Labour Organisation (ILO) and human rights conventions had implications for Sri Lanka’s apparel industry and the rubber and rubber goods industry which largely benefited from special concessions granted under the GSP.⁸

In August 2002, the government signed a Trade and Investment Framework Agreement (TIFA) with the United States in order to gain free access to the U.S market. This trade agreement also warrants the observance of good standards of labour practices on the part of the beneficiary country. Its status under the US agreement was also reviewed early 2010 due to the same issues as implied in the European withdrawal. In response, Sri Lanka has

⁶ Source: http://www.cbsl.gov.lk/pics_n_docs/10_pub/docs/efr/annual_report/AR2015/English/content.htm, accessed 30-10-2016

⁷ Source: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113449.pdf, accessed on 30-10-2016

⁸ See for further details section 5.4.

tried and concluded bilateral trade agreements with India, Pakistan and China under the Indo-Sri Lanka Free Trade Agreement (ISFTA), the Pakistan-Sri Lanka Bilateral Free Trade Agreement (PSLFTA), and the Asia Pacific Trade Agreement (APTA) respectively. The ISFTA has enabled Sri Lankan exports to India to expand and diversify. Under APTA China offers a concessional tariff with a margin of preference of 27% on a list of 1700 products. However, the utilization rate by Sri Lankan firms remained reportedly very low and cannot compensate for the exports to the western world that remain much more important (Institute of Policy Studies 2010: 48-50).

5. The EU's role in the conflict and post-conflict period in Sri Lanka⁹

5.1 The EU in Sri Lanka

While several EU member states have put their own emphasis in their individual bilateral relationships, the EU in its turn followed its own policies with regard to Sri Lanka. EU-Sri Lanka relations are formally directed by 'The Cooperation Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on Partnership and Development' (1995). Cooperation between the EU and Sri Lanka used to take place in a large number of areas, such as trade, investment, agriculture, fisheries, science, tourism, environmental care and many others. The agreement foresees Sri Lanka gradually becoming a partner in trade and economy instead of a receptor of aid. The agreement makes no references to the conflict, and includes no conditionalities or clauses stipulating cessation of the agreement in case of violations of human rights or a failure to maintain democratic principles.

5.2 Early, but modest political moves

As early as 1985 there was some discussion within the European Community on the question of whether to come up with a communal declaration reacting to the continued violence, but no agreement could be reached. Denmark, for example, argued for stressing the long tradition of democratic principles and respect for human rights in Sri Lanka and did not want to condemn the current political situation in stronger words. In that period, The Netherlands was of the same opinion, also because of reasons related to the possibility of returning asylum seekers. In 1986 the (then) Twelve called for a dialogue between the conflict parties and they committed themselves to closely following the developments.

In the early 1990s violations of human rights were no longer only documented and used as background information but also came to be used for formulating political steps by the EU. This change resulted in 1990 in a *démarche* expressing concern about the developments in the north and east of the country. In 1993 reference was made to the relationship between respecting human rights and democratic principles on the one hand and social and economic development on the other. In 1996 the EU rebuked the Sri Lankan government on the basis of 'principles of international law'. At the political level the EU has issued several statements urging parties to engage in peaceful talks, while it also condemned the 'terrorist attacks' and 'indiscriminate acts of violence' of the LTTE. It has furthermore called upon the Sri Lankan government to lift the promulgation of emergency regulations.

⁹ This section draws for information during the 1990s and before on Frerks and van Leeuwen (2000).

5.3 Linking conflict, development and diplomacy

European development cooperation with Sri Lanka has in the first place been directed at economic cooperation, which was to result in the reduction of poverty and the promotion of large-scale rural development. Infrastructure, human resources and a good climate for investment were regarded as the prerequisites for this. As a result of the conflict, however, especially in the east and the north, these elements suffered considerably. The EU therefore also provided additional assistance to Sri Lanka in the form of reconstruction and rehabilitation aid. As it was realized that successful implementation was more likely in conditions of peace and stability, a peace settlement, security and free access were seen as prerequisites for granting the assistance in reconstruction and rehabilitation. As such, assistance was made gradually 'conditional' in the sense that it was only provided if circumstances admitted implementation of programmes. Humanitarian aid and emergency aid could still be provided in cases where those prerequisites were not met.

Also in a series of (semi-annual) statements as a co-chair of the peace process the EU has expressed the importance of the peace process, and emphasized the principles of the Tokyo Declaration that links assistance by the donor community to substantial and parallel progress in the peace process. Over the years those statements became tougher both in the direction of the government and particularly the LTTE.¹⁰

Contrary to its interests in development and trade, it was only more recently (in the years 2000) that the European Union has aspired to play a major role in the arena of international politics and security. Diverging interests between member states have traditionally impeded a convincing EU position. But, with some exceptions (e.g. the issue of LTTE proscription), member states have been like-minded on most issues related to the conflict in Sri Lanka. However, possibly due to its limited traditional involvement and the absence of major direct interests, the EU has refrained from adopting a dominant role. Generally, EU involvement has kept a rather low profile and the main strategy was to 'stick with the Norwegians'.

However, the EU stood out with its engagement with the LTTE, while advocating human rights. Contrary to the Americans, the Union has kept the channels with Kilinochchi open, with Chris Patten's visit in November 2003 as the most salient example. Despite Kofi Annan's decision not to visit the LTTE, allegedly a result of government pressure, and despite strong political opposition from the JVP and others, the EU Commissioner for Foreign Relations met with LTTE leader Prabakaran to discuss the peace process. Rather than 'denouncing terrorism' in general, the EU put particular emphasis on child recruitment, political killings and other LTTE misconducts.

Apart from nuances in tone and substance, this position remained largely unchanged, despite the rise of human rights violations and the numerous breaches of the ceasefire. However, it was with the assassination of Foreign Minister Lakshman Kadirgamar that the EU tightened the screws. In a statement of 27 September 2005, the EU declared it considered proscribing the LTTE and refrained from hosting their delegations pending this decision. This travel ban was significant given the numerous European journeys of the LTTE's political wing. Finally, on 31 May 2006 the EU listed the LTTE as a terrorist organization.

¹⁰ See for a synopsis of the co-chair statements: Frerks and Klem (2006: 41-43)

Because of its modest development budget in Sri Lanka (an annual average of US\$ 12 million in the mid-2000s, the Union's aid leverage over the government has arguably been very limited in those years. During the Rajapakse years aid from western donors further dropped, and a rather modest (a total of about € 120 million or less than € 20 million per year), but focused portfolio of projects was implemented by the EU. EU-Sri Lanka relations hit a low during Rajapakse's reign and the implementation of the Cooperation Agreement actually came to a standstill, as the Joint Commission which under the agreement was supposed to meet once per year to take stock and discuss cooperation in the areas of politics, economy, trade, development cooperation and global goods did not meet since 2008, only to be resumed again in 2013 (European External Action Service European Commission - Directorate General for Development And Cooperation – Europeaid 2014: 1). During those years the contacts were limited, as expressed by an EU official: "We thought what are we going to do? We never spoke to them. There was no direct relationship with the government".¹¹

Under the new government of president Sirisena prospects for a renewed dialogue and cooperation have improved and a variety of initiatives have been taken or are planned to be implemented. These include new development programmes and negotiations about a renewed application for the GSP+. The Council Conclusions on Sri Lanka of November 2015¹² take a welcoming stance toward the ongoing changes in the country, but also reiterate those issues that require further attention, such as reconciliation, strengthening good governance and tackling corruption, promoting respect for human rights and the rule of law, and fostering inclusive economic growth and sustainable development, while continuing work to reduce poverty; it also refers to the required constitutional changes in view of political devolution and judicial mechanisms and an Office on Missed Persons to deal with the violent past.

In order to support the developments in the country, in the year 2015 the EU has funded 11 projects in the field of human rights, democratic participation and civil society development under its European Instrument for Democracy and Human Rights (EIDHR) and Civil Society Organizations (CSO) programme. The average size of these projects amounted to between EUR 400,000 and EUR 600,000.

Similarly, in the period between 2000 and 2015 113 small and mid-sized projects were funded by the EU, mainly in the field of human rights, civil society and democratic participation as well as in conflict prevention and resolution, peace and security and support to local and regional NGOs, and civilian peacebuilding. On average these projects were significantly smaller than those funded in 2015.

Notwithstanding the modest size of most grants, they were experienced as very useful by the local recipients, if not indispensable to continue their work under the prevailing adverse conditions for NGO-work in general during the Rajapakse presidency. A local Human Rights and Advocacy NGO that received funding under the EIDHR told us that the EU support had been essential, especially when the then Rajapakse government branded them as 'tigers' and was trying to make NGO work impossible. "Terrorism and the media were used by the government to diminish the work of human rights defenders. The regime argued that anyone who is not with us is a terrorist."¹³ This organisation worked with other local NGOs in a 'Platform for Freedom' and through that they were able to submit an application to the EU.

¹¹ Interview INT-03, 18 March 2016.

¹² Council of the EU, Council Conclusions on Sri Lanka, Press Release 820/15, 16/11/2015.

¹³ Interview INT-01, 15 March 2016.

The relationship with the EU had been very rewarding. Though the procedures and bureaucracy involved had been sometimes difficult for them to manage, the involved EU officers and advisors had always been very cooperative and had provided assistance when required. The interaction in both directions was experienced as very valuable, as also the EU was listening to them and had invited them for briefings. They also felt that the link with the EU and other local actors provided them with a level of protection. The EU took care not to make the recipients of the grants public as a measure of precaution. They also played it safe towards the government and insisted that they did not support political activities and provided support to *both* the government and NGOs. An issue of concern mentioned by NGO workers is that to get an EU grant local NGOs have to compete with international NGOs, and that this can hardly be considered a level playing field.¹⁴

The Centre for Poverty Analysis (CEPA) carried out together with the French NGO ACTED the Citizen Report Card project that involved an extensive survey on free education services in the Vavuniya and Mullaitivu Districts. The project was co-funded by the Swiss Agency for Development and Cooperation SDC and the EU as part of the Civil Society Organization – Local Authorities Action and Partnership Programme (CLAPP). This survey generated useful information on the educational sector for the involved government agencies and generally these cooperated well with the project. Sometimes the military would interfere with the fieldwork, but also this could be resolved in a reasonable manner. “Our field staff in the North experienced challenges then **[during the Rajapakse presidency]**, such as field staff being questioned with the army. We are able to push back, however, more than any of the international organizations. ... the moment you probe them they go and hide in their shell. Local organizations are quite brave. Our staff interacted with the military and you know, after some time they leave you alone.”¹⁵ In contrast, another informant from Jaffna University was more critical: “Commanders of military belong to political parties, very aggressively. They do not want rights for the Tamils. The government cannot control the military.”¹⁶

CEPA told that their Citizen Report Card project was not a politically sensitive issue and therefore there was nothing to be worried about. They added that the EU generally operated very carefully in order not to disrupt the working relationships. Like the other NGO mentioned above, CEPA also found it initially difficult to follow all protocols and compliance regulations of the EU. However, they felt it also helped them to enhance their institutional accountability. The requirement of providing matching funds was difficult to realize for local NGOs and this tended to privilege International NGOs (INGOs) above local ones. On the other hand the flexibility of the instrument in terms of substance was appreciated as well as the principles the EU espoused.¹⁷

Another NGO official was also very positive about the EU. “I implemented seven EU projects. I am happy to work with the EU. They are the main donor here in the North. We did great things with the support of the EU. Without them I do not think Sri Lanka would develop.”¹⁸ Similarly a NGO representative who had worked on resettlement projects was very positive about the EU support: “The EU has been supporting the real needs of the community.

¹⁴ Interview INT-01, 15 March 2016.

¹⁵ Interview INT-02, 16 March 2016.

¹⁶ Interview INT-06, 21 March 2016.

¹⁷ Interview INT-02, 16 March 2016; Inadeen, B., M. Mahilrajah and K. Romeshun (2015) *Citizen Report Card Survey on Free Educational Services in Vavuniya and Mullaitivu Educational Zones*. Colombo: CEPA.

¹⁸ Interview INT-07, 23 March 2016.

It has had a big impact. Of course there are challenges in the implementation, but it supported the real needs.” He however stated that their rules and systems were rigid.¹⁹

A representative of an INGO told that they have to maneuver carefully when dealing with the government, but that they also have to be transparent. This interviewee explained: “The Rajapakse government did not like human rights, governance, conflict prevention etc., but we have shown our colours. We clearly show the process. Some NGOs do not coordinate with the government. That creates problems. There are certain requirements for each project that we explain to the government. The government has certain terms. They have a language, and we and the donors also have our language. If the government does not like human rights, we just call it human resources development. That does not change the project. When we write proposals I tell [our people] how to write the proposal based on the specific context. We also explain to the EU how we mitigate challenges with the government”²⁰ This was echoed by a NGO worker from the North: “The terms that are used are important. Human rights and rights-based activities are very difficult in Sri Lanka. ... [the government] feels that if there is a human rights project, that other countries see there is a problem in Sri Lanka. We need approval of government officers. That complicates human rights projects. ... we could change it in ‘capacity building for local something, *hahaha*. So yes, we have to know how to change the terms”.²¹

Another NGO representative explained they faced restrictions under the former government: “There was a presidential task force (PTF), where NGOs had to get approval. We faced many difficulties. That is better now.”²² Another informant also described the PTF: “They created the PTF, which was under the influence of the Defence Ministry. We always had to get approval of the PTF, we had to negotiate with the district administration and the provincial administration after that. Timely progress becomes difficult then. That is why you could not complete a project in time. During that time the military asked several times to send progress reports to them. We also had a very bad experience with the governor of the northern province, a former military guy. ... for even a simple project we had to meet him. He often said we could not work on peacebuilding; only visible projects such as infrastructure, housing, and so on. Even now [after the change of government], work on human rights is difficult. Colleagues working on disappearances still face problems with the military. ... it is not sorted out yet. It takes time.”²³ This statement illustrates the difficulties NGOs encountered with the military and other government officials and how EU-funded NGOs tried and adopted a language that was seen as less politically sensitive in order to deal with the government, especially during the Rajapakse presidency.

5.4 Multi-Indicative Programmes I and II and regional programmes

The European Union implements its bilateral programmes with Sri Lanka under the so called Multi-Indicative Programmes (MIP). During the MIP I (2007-2013) the EU implemented three developmental programmes with a clear focus on post-conflict rehabilitation. The first of these

¹⁹ INT-08, 24 March 2016.

²⁰ Interview INT-04, 19 March 2016

²¹ INT-07, 23 March 2016.

²² INT-05, 19 March 2016.

²³ INT-08, 24 March 2016.

programmes was the European Union – Assistance to Conflict Affected People (EUACAP) that was launched in 2009 with total budget of EUR 53.2 million. Its goal was to support the early recovery and rehabilitation needs of people in the North and East, leading to long term development in those regions. It was implemented by UN agencies and INGOs, together with local organizations, and in collaboration with the respective District Secretaries and line Ministries. The second programme was the European Union – Support to Socio-Economic Measures (EU-SEM). After it was launched in 2010, the programme allocated a sum of EUR 15.7 million in grants for the development and promotion of socio-economic measures in the Eastern and Northern Province, with a significant focus on the districts of Mullaitivu and Kilinochchi. The third programme that was implemented was the European Union Support to District Developmental Programme (EU-SDDP). The programme allocated a sum of EUR 60 million to support integrated socio-economic development in Sri Lanka in the medium and longer terms in four districts in the East and North as well as some bordering areas. The programme commenced in June 2012, and was implemented by IFC and 5 UN agencies (FAO, UNDP, UNICEF, UNOPS, and ILO) (based on a note on EU bilateral programmes provided by the EU Delegation in Colombo).

In addition to the MIP I, the EU also supported Sri Lanka through regional programmes. The regional programmes complement the bilateral interventions, mainly in the areas of aid to uprooted people, environment and trade. Between 2005-2015 the EU has contributed to the owner-driven reconstruction of over 20,000 houses for war-affected returnees. This has been funded by the EU's regional facility called Aid to Uprooted People (AUP) with EUR 50 million. A call for proposals for a new programme for an additional 3,000 owner driven 'developmental' houses has been recently launched and was planned to start at the end of 2015. The first AUP programme supported the World Bank who built 86,000 houses under the North and East Housing Reconstruction Programme (NEHRP) between 2006-2009. Then, the EU-funded NGOs Arbeiter Samariter Bund (ASB), Practical Action and ZOA promoted the importance of livelihood support measures to housing and mainstreamed the use of local resources and appropriate materials. More recently, the EU has partnered with the Government of Australia and Swiss Development Cooperation (SDC) to fund UN-Habitat and SDC to implement another 9,000 units. UN-Habitat has further developed community processes and promoted the leadership of women in Village Reconstruction Committees.

The second regional programme is SWITCH ASIA, promoting sustainable consumption and production. This programme aims to contribute to economic growth and poverty reduction in Asia and mitigate climate change through the promotion of sustainable consumption and production. In Sri Lanka, four grant projects have been implemented in the area of waste management, bio-gas and greening hotels. Most recently, the SWITCH- Asia Policy Support has been signed in December 2014 and aims to provide technical assistance to the Ministry of Environment to support policy development, implementation, monitoring and dialogue in the area of sustainable development.

The Asian Investment Facility (AIF) is a regional programme that in Sri Lanka includes the Sanitation and Hygiene Initiative for Towns (SHIFT). This programme is implemented by Agence Française de Développement (AFD) and supports the restructuring of the National Water Supply and Drainage Board (NWSDB). The EU contributes EUR 5.9 million to some EUR 200 million loan facilitated by AFD.

The final regional programme entails Trade Related Assistance by the EU. The EU Delegation is preparing a project with Department of Commerce of the Ministry of Industries to support trade capacity building and trade development in Sri Lanka (based on a note on EU regional programmes provided by the EU Delegation in Colombo).

In 2014 the implementation of the MIP 2014-2020 (MIP II) was launched. In the MIP II it is stated that:

“The EU support to the UN's call on the government to firmly engage into reconciliation and accountability after the publication of the UN panel report pointing to serious violations of human rights and war crimes during the final phase of the war, and slow progress in implementing the recommendations of the "Lessons Learnt and Reconciliation Commission" established by the President in 2010 have casted their shadow over the relationship between the EU and Sri Lanka in recent years. Only a few visits from high level EU and Sri Lankan officials took place from 2010 onwards, and the few areas of cooperation showing concrete results were the signature of an Aviation Agreement and the first meeting of the Committee under the Readmission Agreement in early 2013” (MIP II, 2014).

Against this un-easy backdrop, the long term objective of EU assistance remains to help Sri Lanka to become a democratic, stable, secure and economically prosperous country, which should:

“- function according to the rule of law and the protection of the human rights of all Sri Lankans, demonstrating the values of equality, inclusion and justice as essential towards strengthening peace and security, participatory democratic governance which allows for all Sri Lankans to realise their substantive freedoms, and actively promote unequivocal non-discrimination, transparency, accountability and fairness in all legal, political and administrative mechanisms and proceedings at national, provincial and local level; - have an inclusive and comprehensive political reconciliation process, and; - become a more equitable society, in particular through poverty reduction and inclusive growth targeting pockets of poverty” (MIP II 2014).

While the MIP 2014-2020 of the EU characterizes the current time frame in Sri Lanka as a 'post-conflict period', it also stresses repeatedly that the political and human rights situation is still precarious. It furthermore underlines that the current problems that Sri Lanka faces in the North and East of the country have the potential to cause discontent, unrest and conflict in the future. Policies in the fields of conflict prevention and peacebuilding therefore remain high on the EU's agenda in Sri Lanka. MIP II allocates up to EUR 210 million under the single focal sector of "Integrated Rural Development". In 2015, the first interventions of the MIP will focus on the poorest and most vulnerable communities in the districts the Uva and Central Provinces, later to be expanded more widely to the East and the North.

Compared to MIP I the European Union has nearly doubled its development assistance to Sri Lanka to €210 million for the years up to 2020 compared to the previous period (2007-2013). The EU will finance projects across a wide range of areas, including in support of the government's reconciliation priorities under the Peacebuilding Priority Plan, the resettlement of Internally Displaced People, assisting transitional justice and building local government

capacity, as well as supporting development in Sri Lanka's poorest areas.²⁴ A landmark was the visit of the EU Commissioner for International Cooperation and Development Neven Mimica to Sri Lanka from 15 till 17 March 2016, to re-affirm EU support for the Government of Sri Lanka, review ongoing development programmes and to discuss ways and means of further enhancing Sri Lanka – EU bilateral cooperation. **In a meeting with the Sri Lankan Foreign Minister he** discussed a wide range of issues, including the possible lifting of IUU fishing ban and the restoration of GSP+. It was stressed that for this to happen, among others, human and labour rights issues would have to be resolved. The Commissioner also signed two new financing agreements.

Since then, progress has been made across a number of areas in bilateral EU-Sri Lanka relations, including the resumption of Sri Lankan fish exports to the EU in June 2016. The HR/VP welcomed Sri Lanka's GSP+ application, which would give the country preferential access to the European Union's market. During a visit to Brussels by the Sri Lankan Prime Minister Wickramasinghe, the High Representative informed the Prime Minister of the state of play in the ongoing technical application assessment, while the Prime Minister committed to making additional efforts to implement Sri Lanka's international human rights, labour and environmental commitments, so as to give the highest possible chance for a successful application.²⁵ Both these issues have been resolved in 2017 after the EU declared to be satisfied with the progress made in these two dossiers. After the EU Parliament voted in Sri Lanka's favour on GSP+ concessions on 27 April 2017, the European Commission decided on 19 May 2017 to grant GSP+ to Sri Lanka. The country gained access to the EU market under the special scheme from that moment onwards. As a condition the Commission would keep under review the status of ratification of the relevant conventions, the effective implementation of those conventions, as well as the cooperation with the relevant monitoring bodies by the government of Sri Lanka.

²⁴ Source: https://eeas.europa.eu/headquarters/headquarters-homepage/12279/meeting-between-hrvp-federica-mogherini-and-prime-minister-sri-lanka-ranil-wickremesinghe_en

²⁵ Source: [Meeting-between-the-high-representative-of-the-union-for-foreign-affairs-and-security-policyvice-president-of-the-european-commission-federica-mogherin.htm](https://eeas.europa.eu/headquarters/headquarters-homepage/12279/meeting-between-the-high-representative-of-the-union-for-foreign-affairs-and-security-policyvice-president-of-the-european-commission-federica-mogherin.htm)

6. Conclusions

6. 1 Diplomacy: Conflict resolution

In the early stages of the Sri Lankan conflict the EU was not a very visible actor, like other western nations or international organizations. Sri Lanka was deemed to belong to the Indian sphere and it were indeed the Indians who took several initiatives in the 1980s which however failed. In the 1990s the EU became slowly more outspoken on the situation in Sri Lanka, largely expressing its view on Sri Lanka's human rights record and the promulgation of state of emergencies by the Sri Lankan government. The EU also asked attention for the (humanitarian) situation on the ground in the conflict-affected areas and urged the conflict parties to engage in a process of peaceful conflict settlement. In those years the donors had fairly little traction with the then government that opposed the 'internationalization' of the conflict or any attempts to help mediate the conflict. One important aspect of the EU's presence was and continues to be is that it can coordinate and substantiate the positions of the EU member states, many of which have only relatively small missions in Sri Lanka. This is especially the case with human rights issues (where also Canada and Australia do join), but actions were also coordinated for example on such issues as the death penalty in the country, and Sri Lanka's positions on North Korea and Myanmar.²⁶

After a new government came into power and the CFA was signed in 2002, the situation changed drastically. The international (mainly western) donor community wholeheartedly and perhaps uncritically started to support the peace process diplomatically, politically and with development funding. The EU was no exception, but also gained a more prominent role as one of the four co-chairs of the peace process together with Japan, Norway and the US. The EU allegedly helped keep the balance between the facilitator Norway, the more traditionally inclined Japan and the anti-terrorist US. The EU was seen to keep the lines open to especially the LTTE who was very sensitive to issues of 'parity'. The EU also communicated to the LTTE at the highest levels during the peace process. When the EU finally proscribed the LTTE in 2006 some observers felt that this move endangered the whole peace process and the CFA (e.g. Solnes 2010: 108-113), though these were arguably already in a state of collapse anyhow by that point in time.

It can be concluded that, though the EU increasingly became a more prominent and active diplomatic and political actor, its room for manoeuvre was in fact determined by the warring parties and the stances of the subsequent Sri Lankan governments towards outside interference that varied considerably over time. Neither the EU nor the other external parties involved had much influence over those dynamics and could do precious little to change the state of affairs.

²⁶ Interview INT 03, 18 March 2016.

6.2 Trade: GSP+ and Fisheries products

As demonstrated above the EU is one of the most important trade partners of Sri Lanka and its main export market. Though the earlier Rajapakse governments tried to deny this, there are no easy alternative markets for this in the Asian region. The negotiations on the GSP+ and the recently concluded talks about the export of fish and fisheries products can exert an important leverage on the government. Currently the EU is engaged in such talks and monitoring progress in the field of the requirements and conditions attached to the admission of the GSP+.

6.3 Peace-building

The EU has contributed to peacebuilding and reconciliation activities through a number of smaller projects carried out by NGOs under the EU instrument for Democracy and Human Rights (EIDHR) and the CSO programme. Though the amounts involved have been relatively modest, the funding was experienced as very useful, nearly indispensable for the type of work done and also the contacts and support given by the Delegation was highly valued, especially in the period the NGO-sector faced a lot of resistance and obstruction by the government.

6.4 Post-conflict reconstruction and development

The EU has carried out a consistent and relevant post-conflict reconstruction and development programme focused largely on the needs of the conflict-affected areas. Its MIPs have been complemented by regional programmes and special instruments into a fairly coherent and conflict-sensitive set of instruments. After a difficult period under Rajapakse, the EU-Sri Lanka cooperation got momentum again since early 2015, with the size of the development programme increasing considerably compared to earlier. Together with major donors like the Asian Development Bank, Japan and the World Bank, it is becoming one of Sri Lanka's foremost partners in post-conflict reconstruction and development.

All in all it can be concluded that the EU has become a more articulated donor vis-à-vis Sri Lanka as being a country in conflict or – as of more recent – a country in a post-conflict trajectory. It has adapted its programmes, made them conditional and conflict sensitive, withhold trade preferences and has argued for human rights, peace, reconciliation and good governance. However, its room of manoeuvre was at the same time determined by other actors and this proved to be an unpredictable and volatile experience leading to setbacks and outright failures, like the broadly supported peace process. It appeared impossible to maintain traction with subsequent governments or the LTTE, or for that matter other non-state actors in the East.

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Annex 1 – Operationalisation research questions – Topic list

1. Background information on the conflict in Sri Lanka

- What are the characteristics of the conflict in Sri Lanka? What were the main parties, issues, background factors, most important changes and dynamics of the conflict?
- What has the international involvement in the conflict in Sri Lanka been both during the conflict and since the defeat of the LTTE (international organizations, states, non-state actors)?
- What are currently the main efforts to deal with the aftermath of the conflict? What are bottlenecks? What are the attitudes and perceptions of relevant different stakeholders about strategies of conflict resolution and post-conflict?

2. International involvement in the Sri Lankan conflict

- What have been the major international initiatives with regard to the Sri Lankan conflict?
- What were their major goals?
- What can be said about their relative success?

3. EU Presence in Sri Lanka

- How has the relation between Sri Lanka and the EU developed before, during and after the conflict? Which policies has the EU implemented in Sri Lanka in that period?
- What has been the importance of individual EU member states in Sri Lanka?
- What have been the most important EU policies with regard to conflict and (human) security in Sri Lanka? What are the most important policies with regard to MTD, SSR, or GOV in Sri Lanka during the conflict and in the post-2009 period?
- Which other policies or engagements by the EU (e.g. association agreements, development aid, diplomacy) have been relevant during the conflict and in the post-2009 period?
- How does the EU internally coordinate its policies with regard to Sri Lanka?

4. Policy / project-specific questions

A. *Design of the particular policy / project*

- What did the particular policy / project set out to do according to the original plans?
- To which (one or several) of the three WOSCAP policy clusters does the particular policy / project belong?

- What were the underlying principles and assumptions of the particular policy / project (as stated in policy documents or as expressed by relevant EU staff)?
- Why did the EU (and possible other actors) decide to develop the particular policy / project in Sri Lanka? What are the formal explanations (policy statements)? What are alternative claims by EU and non-EU actors about the reasons to develop the particular policy / project?
- What is the gender dimension of the particular policy / project in Sri Lanka?
- Was there any mention to ICT projects in Sri Lanka?
- How was the policy design of the particular policy / project assessed by different stakeholders? What criteria / factors are relevant according to different stakeholders? Why do they think so?
- Which agency (agencies) or institution within the EU is responsible? Which other (non-EU) actors were involved? Did the EU look for broad based support? Why (not)? If so, how? Were specific member states key drivers behind the particular policy / project in Sri Lanka?
- Where there any other international agencies working on the particular policy / project? If so, was there contacts between the EU and these organizations?
- Looking at the broader 'policy area' of MTD, what was the view of other relevant actors in the MTD policy area towards the plans of the EU? Was the EUPOL Sri Lanka Mission – at the time of its development – welcomed, contested?
- What was the conflict situation when the EU developed the particular policy / project?
- In what way did the particular policy / project intend to address the conflict situation (either directly or indirectly)?

B. Implementation of the particular policy / project

- What kind of actions or activities did the EU delegation undertake?
- What were the most important actors (national and international) the EU delegation worked with? Why and how did it get in contact with these actors?
- What was the nature of the relationships with each of these actors? E.g. were local actors involved in activities, contracted, consulted? Did the EU delegation use any incentives to foster co-operation?
- Which other actors (national and international) were involved in the policy process? What were their roles and / or levels of participation in the particular policies / projects?
- Did the housing projects create any networks or mechanisms with local / international actors?
- Is it possible to identify 'phases' in the implementation of the particular policy / project? What are the main characteristics of these phases?
- How was gender taken in the implementation of the particular policy / project?
- How was ICT taken into account in the implementation of the particular policy / project?
- Which developments in the international/regional/national/local contexts affected the implementation of the particular policy / project? Which developments are important to know as background information to understand the ways the policies / projects were implemented? What were the main problems or contestations during the implementation of the policy / programme? Was there resistance against

implementation of the policy / programme, either from within the EU institutions, or on the part of the Sri Lankan government or stakeholders?

- What are the strengths and weaknesses according to key stakeholders (EU, non-EU) of the particular policy / project? Were there differences in the views of the different actors?
- What important changes did the particular policy / project face? (How) were the policies / projects adapted?
- How and why did these changes take place?
- How are these changes evaluated by different relevant stakeholders?
- How could the EU's peacebuilding policies be (have been) improved according to different stakeholders?