Dialogicality, inclusiveness, and equality in the Sri Lankan peace process – a discourse-ethical perspective

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ABSTRACT

This thesis examines how moral arguments linked to communication, inclusiveness, and equality impacted on the stances of and steps taken by the official participants in the Sri Lankan peace process from 2000 to 2006. The amazing progress in the initial phase of the peace try generated results which practically "all" in the island benefited from (directly or indirectly). Later, however, also this negotiating attempt came to a standstill and collapsed, which reinstalled insecure and unstable war-like conditions marked by gross human rights violations and waves of killing.

*Conflict and peace research often does not enquire into into the moral or value-laden aspects of a particular case; "harder" and somehow more "real" issues tend to dominate analysis and debate. But, as the deeply-rooted, and essentially ethno-nationalist, Sinhalese-Tamil conflict in Sri Lanka shows: dignity, norms, and identity values at times generate greater dedication than other, more material needs or wants. Moreover, the universal discourse theory of morality (*discourse ethics*) is* rarely *used in defining the analytical or methodical basis for research on a particular, culturally- and historically-bound conflict transformation process. This "ground situation" represents an interesting and scholarly relevant challenge, and, as such, it helps to justify and situate the present work.*

Whereas the Norwegian-facilitated peace process in Sri Lanka fulfilled key moral-procedural criteria to a limited degree only (both time- and content-wise), the analysis shows that each of the three categories, in different but connected ways, was a constraining or promoting parameter in the process according to how it was defined and dealt with by the process participants at any point. Action and concerns related to equality *played the most profound role, as this influenced the parties' peace motivation not only directly but also in a roundabout way through the other two factors. In particular, the study indicates that when moral/symbolic inequality is a defining feature in the relations between two (or more) conflict owners, dialogical quality and inclusion into joint efforts for peace can be blocked by the stronger party (in Sri Lanka: the Government)* as well as *by the weaker party (the Tigers). The overall challenge for a dialogically committed facilitator in such situations lies, it seems, in finding ways and means to compensate for the "factual" disparity so that inherently human wants and needs (of the weaker party) are at least adequately responded to. If not successfully handled, the very possibility of establishing a genuine and sound dialogue might be close to zero.*

[**Keywords:** peace, morality, nationalism, third-party facilitation, dialogue, inclusiveness, equality, Sinhalese, Tamil, Sri Lanka, Norway]

CONTENTS

1. INTRODUCTION

This thesis deals with the moral dimension of the latest diplomatic attempt to facilitate peace between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE). In particular, it investigates significant aspects in the peace process facilitated by Norway from 2000 to 2006 as seen from a discourse-ethical perspective. To delimit and structure the task, three areas are given special attention: (1) the communicative conditions and dialogical quality (*dialogicality*[1]) of the negotiations, (2) aspects of inclusion and exclusion, and (3) questions related to equality, representative-ness and status. Without ignoring the material aspects of the conflict, prime focus is on how norms, values, and moral arguments in these areas influenced the process, and how this dynamic in turn might help explain the (at least so far) regrettable lack of lasting, tangible results of the process.

The most successful attempt thus far to transform Sri Lanka's two-decade long civil war into something that resembles peace commenced by the dawn of the new millennium. It was taken an important step forward by the signing of a cease-fire agreement in February 2002. This breakthrough effectuated a badly needed normalisation, especially in the North of the island, and sincere hopes emerged that a new time, in fact a new époque, was in its forming. However, the sanguine anticipations were not to live for long. Six rounds of negotiations in 2002 and 2003, and another two sessions of talks in 2006, did not rescue the truce from growing disrespect and flagrant violations. In 2007 the parties are at war in everything but the name, and hopes for a positive change soon are hard to come across.

The study is rooted in Kantian ideas on peace and politics, and uses Habermas's discourse theory of morality (and "practical" versions of it) as a key notional foundation. Fragments of international relations theory and remarks on the moral worth of nationalism and nations are incorporated to substantiate the discussion, as are elements of mediation theory and general peace research to the extent this proves relevant for the task at hand.

Empirically, the point of departure is an acknowledgement that Sri Lanka needs a peace that is morally sound in the sense of being based on equal recognition and justice for all groups. Discourse-ethics can presumably tell something about the procedural qualities that a revived process must display in order to reach this much longed-for condition.

The Norwegian government, represented by Foreign Ministry officials or more low-key, state-sponsored civil society representatives, has since the end of the Cold War been involved in many diplomatic attempts aimed at bringing an end to violent conflicts,

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[1] The term *dialogicality* has been used by, among others, Christopher McMahon in a discussion on the required collectiveness prescribed by discourse ethics when passing judgments about "correct" moral principles, ref. McMahon (2000). In this thesis, the term refers to the communicative conditons and overall quality of a dialogue, including its spirit/tone and perceived meaningfulness (substantiality).

typically in the form of civil war. Most known, apart from Sri Lanka, are probably the efforts undertaken in Guatemala, Israel/Palestine, Sudan, and former Yugoslavia.[2] In many of these places no permanent or stable condition of peace has been established, and critics have highlighted the point that good and generally taken-for-granted *intentions* rather than sound judgements on possibly achievable *results* have often driven this more idealistic component of the country's foreign policy.[3] Fairly little attention, though, has been offered the question of how normative perspectives in the Norwegian socio-cultural setting match those of the respective conflict owners. While far from being the only dimension relevant in peace work, moral arguments matter since a special concern for or interest in questions relating to the good and the right seems to be part of the human condition in all cultures. Arguably, this normative preoccupation informs also diplomatic and political processes.

Aims and questions of the study

An overall aim of the study is to explore the connections between morality, peace, and nationalism in order to shed light on how this relationship can create hindrances, and potential opportunities, for the peaceful transformation and eventual resolution of complex conflicts like the Sri Lankan civil war. The more particular objective is to examine, from a discourse-ethical angle, how arguments and norms linked to communication, inclusiveness, and equality influenced the Norwegian-facilitated peace process in Sri Lanka from 2000 to 2006. The underlying motivation is a curiosity as to whether the peace try was carried out according to discourse-ethical ideals and whether the degree to which some of these ideals were fulfilled can explain the end result. The research questions directing the work are thus:

1.   *How did norms and moral arguments of relevance for dialogical communication, inclusiveness, and equality influence the stances of and steps taken by the three main actors (the GOSL, the LTTE, and Norway) in the Sri Lankan peace process from 2000 to 2006?*

2.   *To what extent can the Sri Lankan peace process be described as a discourse-ethical approach to peace?*

3.   *To what extent can the moral categories of dialogicality, inclusiveness, and equality explain the lack of lasting, positive results from the 2000-2006 process?*

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[2] Norway has been involved in peace processes also in Colombia, Cyprus, Ethiopia/Eritrea, Haiti, Mali, South Africa, the Philippines, and other places (ref. Dobinson, 2000:208 and Morgenbladet nr. 20, 2006).
[3] Professor Øyvind Østerud (University of Oslo) is among those who have recently voiced this criticism (ref. Nytt Norsk Tidsskrift nr. 4, 2006).

The purpose of the study is thus not to *describe* the sequential steps in the peace process; the question is rather how certain morally-loaded beliefs sustained and impacted on the different actors' involvement – and thereby the overall outcome of the process. While the three major participants are in focus, also other actors playing a more indirect role in the official process are referred to when this has relevance for the discussion underway.

Justification

Ethics and questions about social justice long had an inferior position in political writings, and Wight described international relations theory as suffering from intellectual and moral poverty (Thune, 2000:29 – quoting Wight, 1966). But, as pointed out by critical theorists informed by e.g. hermeneutics: normative judgments are not separate from theories and practices of international relations. Rather, the structural features of shared ideas and values can exert a considerable influence on both social and political action (Reus-Smit, 2001:217,221) insofar as 'moral discourse is always embedded in social and political contexts' (Rehg, 1999:249). It is, in consequence, necessary to 'engage critically with the background normative assumptions that structure our ethical judgements' and which in turn influence our political and social environment (Burchill, 2001:162).

A more direct and obvious justification for this work is that the Sri Lankan conflict is still *on* and hence "crying" for creative steps that can create a new momentum towards an eventual resolution. In this situation also moral judgments must be properly understood if new efforts to bridge the gap between the parties are to succeed in overcoming the barriers in which the latest process (and possibly also earlier negotiating attempts) got stuck.

A more or less taken-for-granted premise for domestic deliberations on Norwegian peace efforts abroad has been that 'Norway is involved in peace work because that's what Norwegians are like' (Leira, 2005:154). Tvedt refers to this harmony as a 'national regime of goodness' and shows how it is linked to the development of the modern Norwegian state and national elites' competition for power (2003:17-51,158-197). This and related research (e.g. Leira, 2005; Larsen, 2005; Waage, 2004; Dobinson and Dale, 2000) opposes the view that Norwegians' ability to peacemaking is a natural disposition or that Norwegian "goodness" is a moral asset so superior that it is beyond scrutiny.

Norway's peace involvement in Sri Lanka is, in other words, not self-explanatory, and it is thus appropriate to try to understand the moral platform of this undertaking in contrast to the conflict owners' own norms and value-laden arguments. This would, expectantly, contribute to a better understanding of the way in which these normative perspectives, taken together, influenced the direction of and events in the peace process.

Serious reflection on the moral dilemmas confronting the various actors seems to be lacking, and Habermas's discourse-ethics, cast as a model for third-party facilitation in dialogical processes towards peace, provides an interesting theoretical point of departure for such an investigation. Though fairly abstract, aided by secondary literature and a practical ("real") approach to the high-flying theory, it is considered both meaningful and worthwhile to try to analyse how key discourse-ethical aspects were dealt with in the process. The three aspects given particular attention here – dialogicality, inclusiveness, and equality – are picked both for the weight accorded them by discourse-ethics and for their face-value importance to and effect on the actual course of events in the Sri Lankan process.

Assumptions

Whereas proponents of the political realist school have frequently denounced morality's legitimate role in politics and international relations,[4] there are plausible reasons for arguing that their criticism is misinformed or misplaced.[5] Morality simply cannot be rationalised away if we want to deal with the real world of politics; nor is it, for the same reason, an exclusive prerogative that belongs to idealists only. Rather, what can be termed *moral knowledge* emerges as a necessary prerequisite or means in any fruitful attempt at establishing peace between two or more belligerent parties. The present study of norms relating to the peace process in Sri Lanka is, in consequence, expected to reveal at least *something* about the deep and often hidden or unarticulated beliefs and motives which have influenced the steps taken by the different actors and thus, in turn, the final outcome. This does not mean that the value-motives of the involved actors are logical and rational in all respects. However, the present work is undertaken under the assumption that there is at least *some* rationality involved, and that all beliefs and reasons sustaining the parties' positioning and steps in the peace process are not as yet fully known or understood.

A key assumption in the present study is that Norwegian facilitation in Sri Lanka is only one component of a wider peace policy, which again is connected to a more or less consciously developed overall foreign policy framework. Thus, while some reasons or motives for Norway's active role might be explicitly related to the Sri Lankan context, it is probable that other grounds, especially those relating to morality and values, are fairly similar to those sustaining Norway's involvement in *other* peace processes.

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[4] Morgenthau's classic *Politics Among Nations*, which outlines six basic principles of political realism, is a perfect example (Morgenthau (1993 [1967])). See also Burchill, 2001b:77-83.
[5] Coady (2006), for example, presents a convincing argument for why the target of political realism is or should be *moralism (*and not morality). Ref. also chapter 3.

It is further assumed that long-term relations, initially established by civil society and NGO idealists, is an important factor in any explanation as to why Norway has played a major role in Sri Lanka. The term *The Norwegian model* denotes the close and informal links and overlapping interests between state ministries, Norwegian NGOs operating internationally, and various research institutions (Tvedt, 2003:55-78; Follerås, 2002:171-173; Bucher-Johannessen, 1999:38-98). When government reps take on the role as mediator or facilitator in peace processes abroad, much ground work has typically been done by Norwegian aid workers in making links and building networks – hence also trust – whereby culture- and context-specific knowledge has been acquired. Rapport has not only been established with state officials but usually also with organisations that represent a challenge or stand in opposition to the same state authorities. This expertise has been a vital source of information for officials and diplomats when crafting policies and working out country-wise and regional plans. Obviously, a focus on purely diplomatic efforts, as is the case here, risks losing out on this important aspect. A well-known journalist, politician, *and* development campaigner, Arne Fjørtoft helped put Sri Lanka on the public map in Norway through a fishery project in the sixties.[6] Still on good terms with many "big shots" in the country's political establishment as well as with prominent people sympathetic to the Tamil cause, he has been referred to as the de facto initiator behind Norway's role as a go-between in the country (Follerås, 2002:158ff).

States only act via human agency. Yet, Norway and Sri Lanka (and other countries) are throughout this work referred to *as if* the state itself possesses agency. This is done for reasons of convenience and not given any further elaboration. Furthermore, the state system is not seen as a given, unchangeable factor which humans and state representatives simply have to adjust to. As any other manmade system, it is dynamic, flexible and changeable – 'a distinctive […] form of political community bringing with it particular functions, roles, and responsibilities that are socially and historically determined' (Devetak, 2001:168).

Approach/methodology

Principally, the aims of the study are sought achieved by a systematic review and analysis of written material. The literary sources can be grouped in two: (i) moral and political philosophy, political and international relations theory, and general peace research of particular relevance to the aims and questions of the study; (ii) literature and research on Sri Lanka's conflict history, earlier negotiations, and, above all, the latest peace process – including assessment and evaluation reports, official documents, letters, speeches, as well as

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[6] Fjørtoft was among a group of young idealists in the Norwegian temperance movement who later founded the development organisation FORUT. He is today the chair person of WorldView International.

press articles. The research approach is to analyse empirical findings emerging by a review of the textual material in group (ii) with the help of philosophy and theory in category (i). Open-ended interviews with three key Norwegian officials complement the textual research and elucidate nuances that a critical reading of the written sources might miss. The told facts and viewpoints gathered from these conversations extend the room for critical reflection and elaboration and to some extent also help "secure" certain interpretations and conclusions drawn on the basis of the written material.

The study is necessarily contextual and must account for several influential powers since social phenomena are both contextually defined and inherently complex. In such a process, strict logical inferences and empirical generalisations do not suffice. Habermas, following Pierce, underscores the importance of combining the more traditional techniques of deduction and induction with a move towards the effectual circumstances *behind* the events that we more or less readily observe. This move, by some labelled abduction, is a form of argument that extends our knowledge by introducing new hypotheses and as such 'impels the process of inquiry onward' (Habermas, 1972:113,121,123). Accordingly, the study aims not only at deriving logically valid conclusions from a set of given premises or specific observations; it tries as well to re-describe or re-contextualise phenomena by interpreting them from a new angle (Danermark et al., 2002:80f). Clearly, the ambition is not to look for universal laws, since empirical observation always contains an interpretative element and 'causal conditions involved in generalisations about humans' social conduct are inherently unstable in respect of the very knowledge (or beliefs) that actors have about the circumstances of their own actions' (Giddens, 1984:xxxii).

This does not mean that social science should be reduced to a matter of investigating how social agents interpret themselves and their concepts; while all knowledge is inevitably socially determined constructions, reality is not fully transparent – it has mechanisms and powers which cannot be directly observed but rather experienced indirectly by their ability to make things happen. Essentially, therefore, a researcher has to *generate* his/her results and actively 'investigate and identify relationships and non-relationships, respectively, between what we experience, what actually happens, and the underlying mechanisms that produce the events in the world' (Danermark et al., 2002:21). In effect, the social scientist is not a neutral bystander; s/he is enmeshed in social and political life, and all thinking about politics is 'in direct relations with political activity' (Thune, 2000:30 – quoting Wight, 1966). Hence, also language (and discourse) matters, since terminology is fundamental for the way we see and understand the world. A particular language style can be utilised as a tool to justify certain political decisions and manoeuvres. Scholarly reasoning and writing about politics might therefore ultimately influence the political reality itself.

Constraints and delimitations

It is acknowledged that while only the *official* peace process is in focus here, i.e. the parts that Norwegian facilitators have been responsible for or involved in, either alone or in concert with other stakeholders (e.g. India, the EU, Japan, and USA), much important peace work was and still is being done by other actors, e.g. the civil society, the corporate sector, and various religious groups etc. Also, to secure depth and thoroughgoingness, only a few relevant moral aspects are dealt with. This represents a thematic delimitation of the study.

Since the peace process under scrutiny is, at least by the Norwegian Ministry of Foreign Affairs, still categorised as *ongoing*, there are severe constraints when it comes to available resources. A long-lasting correspondence to get access to relevant Foreign Ministry files proved more or less fruitless.[7] Consequently, the conversations held with a handful of people involved on behalf of Norway, as well as articles, interviews and statements appearing in earlier research reports and in the press, became relatively more important sources for the study. A few assessment and evaluation reports on the peace process from 2005 and 2006 proved especially helpful. Yet, the amount of published research on the latest peace process is, naturally, not overwhelming compared to the documentation that is typically available for *older* peace processes. This factor hence represents a methodological constraint for the study.

Terminology

'No war – no peace' has been a common way of depicting the situation in Sri Lanka over the last three to four years. Yet, any contact or new initiative is typically referred to by the media as an attempt to take the peace process forward – implying that it is ongoing. The parties also somehow invite to such an interpretation by (so far) not declaring the ceasefire agreement (CFA) invalid and Norwegian/Icelandic ceasefire observers are still operating in the country, *even* if the GoSL has been under tough pressure from nationalist groups to get rid of both the mission and Norway as official facilitator. While there might be fine reasons to apply an optimistic terminology, if only for the sake of conveying the message that the search for a political way out of the deadlock must continue, the country was as of early 2007 considered to be in a state of undeclared war (CPA, 2007; BBC, 2007b). In line with this ground reality, the latest official peace process between the GoSL and the LTTE – the subject matter of this project – is hereafter referred to in past tense.

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[7] Finally, after a 14 month-long application and reapplication process, access was granted to Sri Lanka- and peace-related documents *older* than ten years in the Norwegian Ministry of Foreign Affairs archives. These, of course, were not of direct value, as the present work concentrates on the *latest* peace process.

Thesis outline

The context and historical background of the Sinhalese-Tamil conflict in Sri Lanka, thus also the surroundings of efforts aimed at peace, are described in chapter 2, which also includes a description of the main events and developments in the peace process under scrutiny. Chapter 3 sketches out the analytical framework and theoretical boundaries of the study, stressing Habermas's discourse theory of morality and Rehg's useful approximation of it, but also reviewing the concept of nationalism in relation to morality and linking the activity of peace facilitation to discourse-ethical ideals. The subsequent chapters (4-5) present the empirical material of the study. Chapter 4 highlights key ideas in the three main actors' normative platforms, reviewed with reference to moral claims in the parties' respective (Sinhalese and Tamil) *nationalisms* and to the *idealist* basis of Norway's peace diplomacy after the Cold War. Chapter 5 narrows the empirical focus, and spells out, category by category, explicit findings from the peace process itself of seeming relevance to the research questions posed. Chapter 6 analyses the internal dynamic and effects of the three moral categories focused; the first research question (addressed in the first three sections of the chapter) is responded to in a chronological fashion (so as to be able to pinpoint also how they influenced each other in what a turned out to be peace process with major variations in its different stages), whereas the last two research questions are responded to in separate sections towards the end of the chapter.
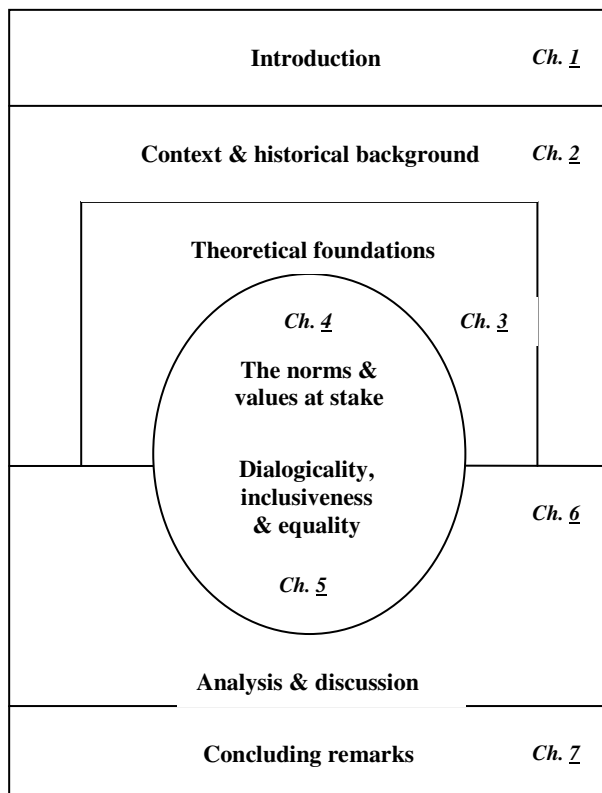
Chapter 7 summarises the conclusions reached in the project and briefly points to a few "bigger" issues/problems which the study, for formal and practical reasons, could not delve into.

The chapter structure of the thesis is represented graphically in figure 1.

Figure 1. *The chapter structure of the thesis.*

2.   CONTEXT AND HISTORICAL BACKGROUND

To situate the subject matter of the study culturally and historically, this chapter highlights important events and developments leading up to the fifth non-violent attempt to find a negotiated solution to Sri Lanka's crisis.[8] In the last section the general characteristics of the peace process itself and some general lessons learned from it are spelled out.

Sri Lanka's peoples

Sri Lanka has approximately 20 million inhabitants and is ethnically, linguistically and religiously diverse. The Sinhalese make up nearly 74 per cent of the population and are concentrated in the densely populated South and West. Sri Lanka (Ceylon) Tamils total ca. 12 per cent and live for the most part in the North and East and in the capital (Colombo). Indian Tamils, a distinct Tamil group whose ancestors came to the island as tea and rubber plantation workers in the 19th century, represent 5 per cent, whereas the Muslim population (consisting of both Moors and Malays) constitute close to 8 per cent. Other small minorities include descendants of European colonists (Burghers) and various indigenous groups (by non-indigenous people normally called Veddahs), such as the Wanniyala-Aetto (BBC *Country Profile*; CIA *The World Factbook*; Stegeborn, 1997).

This work deals primarily with the majority Sinhalese and the minority *Sri Lanka* Tamil populations. The Tamils of Indian origin have to some extent been caught in the middle between the Sinhalese and the north-eastern Tamils,[9] but the differences between the two Tamil identities will not be further elaborated in this report. Neither will the situation of the Muslim community be given particular attention. Still, instances of discrimination and ill-treatment of both groups will be mentioned, and key Muslim interests and concerns will be referred to when this has relevance for the discussion underway.

Sinhala (an Indo-European language) is the native tongue of the Sinhalese, whereas all Tamils and most Muslims speak Tamil (which is part of the Dravidian linguistic group). Thus, the two alphabets are unrelated, and meaningful communication across the language barrier is not possible unless one commands both or recourses to a third medium. English is spoken competently by about 10 per cent of the population and commonly used in government and parliament affairs. Most Sinhalese are Buddhist; most Tamils are Hindu. The majority of Sri Lanka's Muslims practice Sunni Islam. Sizeable minorities of both Sinhalese and Tamils are Christians, most of whom are Roman Catholic (Aftenposten *Fakta*; BBC *Country Profile*; CIA *The World Factbook*; Tambiah, 1991:4f).

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[8] Previous negotiation attempts were made in 1985, 1987, 1989, and 1994 (ref. Uyangoda, 2005b:39i).
[9] Also many of the Indian Tamils were victimised in anti-Tamil riots in the fifties, seventies and eighties.

Sri Lanka's colonial legacy

Although both Sinhalese and Tamil national myths "explain" the conflict with reference to ancient history and deep-old animosity between Sinhalese and Tamil kings, most scholars seem to agree that an ethnic awareness related to race, language, religion, and politics were first formed in any significant way in the years leading up to independence in 1948 (Follerås, 2002:29; Stokke, 1997:25; Little, 1994:3; Tambiah, 1991:6f). That is, the colonial experience[10] established some basic conditions for conflict which were further exploited after the British had left the island. The general belief that ethnic discrimination *during* the British-colonial set-up was the main factor behind the rise of Sinhalese and Tamil nationalisms is problematic, though, since general equity in class positions and income level was a key characteristic of the social stratification before independence (Stokke, 1997:27). The island's upper class underwent assimilation through elite schooling and marriage alliances across ethnic boundaries, and the political elite which dominated the transitional State Council (1931-1948) was first and foremost *Ceylonese*[11] rather than Sinhalese or Tamil. Its members were typically Christian and high-caste, they came from urban areas, and they had been educated in the West. The struggle for political power before and around the time of independence was principally based on *class* and not so much on ethnic identity – it amounted essentially to a contest between conservative modernisation and social revolution orchestrated by competing factions of the same privileged elite (Stokke, 1997:27,29-31). This, of course, does not mean that old myths and narratives were not *used* in the political agitation that emerged, which increasingly came to be framed by an ethno-nationalistic vocabulary. Examples of mobilisation around ethnic identity are the founding of the Tamil People's Organisation in 1920, the Sinhala National Congress in 1937, and the Muslim Congress in 1944 (Schulz, 2007:9).

Political developments 1948 – 1983

The model of democracy adopted when Sri Lanka became an independent state in 1948 led to a majority system in which the Sinhalese would always control the country's parliament. Subsequent discriminatory policies on education rights, language, and religion – some of which where implemented as constitutional amendments – reinforced this favouritism. Especially infamous from the early years is the 1956 language act of S. W. Bandaranaike's government, the so-called *Sinhala-Only Bill*, which elevated the majority language above that of the Tamil and Muslim populations. Widely seen as a scrupulous

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[10] Portugal, the Netherlands, and Britain in succession ruled over Sri Lanka for roughly 150 years each.
[11] In 1972 *Ceylon* became *Sri Lanka;* hereafter only the latter term is used, for reasons of simplicity.

election tactic to win the support of the southern masses, the justification for the move was an alleged need to rectify a colonial-time inherited Tamil overrepresentation in professional occupations such as medicine, engineering, and academia. Thus, mainstream Sri Lankan politics was already in the mid-fifties framed by an ethno-nationalistic discourse. Along with extensive land resettlement schemes in areas traditionally viewed by Tamil nationalists as theirs, these steps sowed the seeds of what was to become a long-drawn-out conflict between successive Sinhalese-dominated governments (the GoSL) and several Tamil, initially non-violent, opposition groups and parties (Lewer and William, 2001:483-487).

In response to the ethnicity-based "standardisation" policy for university admission introduced in 1972 and a new constitution affording Buddhism the 'foremost place' and reconfirming Sinhala as the country's only official language, the main opposition party at the time, Tamil United Liberation Front (TULF), in a 1976 resolution officially called for the Tamil people's self-determination in their own homeland (*'eelam'*). This move was to become significant for the way the conflict should later be understood – primarily as one in which Sri Lankan unity, as defined and defended by the Sinhalese, stands against Tamil separatism. The combined self-determination/homeland claim, to the extent it expresses Tamil resignation, can be seen as marking the end of unified attempts by the country's biggest minority to partake in the creation of a multiethnic Sri Lankan state (ibid.;487).

Tamil claims for autonomy did not lead to any noteworthy change in the state set-up. Instead the balance shifted from constitutional politics to militancy. That is, the few organisations that remained committed to democracy and non-violence soon came to play a secondary role, as most Tamil groups transformed their struggle into armed resistance. The Liberation Tigers of Tamil Eelam (LTTE), which with time won prominence by attacking state forces, government officials, *and* members of competing Tamil groups, were, though, an armed group from its inception (Gunaratna, 2003:219n13). The government responded by enacting strict security measures, in particular the 1979 *Prevention of Terrorism Act* (PTA) which, though meant to be a temporary instrument, remained in force for more than 20 years. The PTA, by some analysts labelled *an engine of state terrorism*, (Lewer and William, 2001:488), removed a whole range of restrictions on the part of the security forces[12] and caused much resentment among leading and ordinary Tamils alike.[13] In essence, the act formalised the language of terrorism and affixed the term to Tamil secessionist claims in Sri Lankan political discourse (Nadarajah and Sriskandarajah, 2005:89). Agitation for independence was criminalised in 1983 in an amendment to the

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[12] Allowing e.g. the detention of people for up to eighteen months without trial. Tambiah (1991), p. 18.
[13] Symptomatic of the fate of the latest peace process, the PTA was re-enacted towards the end of 2006 after having been out of force since the early stage of the process (2002) (ref. BBC, 2006i).

Constitution; the revised law stated that no person, directly or indirectly, in or outside Sri Lanka, has the right to 'support, espouse, promote, finance, encourage or advocate the establishment of a separate state within the territory of Sri Lanka' (ibid.:92 – quoting from the revised Constitution).

Considering the main political developments since independence, it is reasonable to conclude that '[t]he failure to incorporate the interests and needs of the minority identity groups, systematic discrimination, and the attitude of chauvinistic elements within the majority community have been at the root of the Sri Lankan crisis since independence' (Lewer and William, 2001:489). Importantly, this perspective is upheld also by scholars with a Sri Lankan (and Sinhalese) background. Gunaratna argues that the state in this period failed 'to manage ethnic differences and colonial legacies peaceably and in conformity with democratic principles', and that 'exclusivist' government policies 'crystallized the development of a separatist ideology among many Tamil leaders' (2003:197f). Uyangoda claims that the inability of Sri Lanka's ruling elites to reform the state in the direction of ethnic pluralism led to 'the progressive alienation of the Tamil majority from the domain of state power' (2005b:4). Another prominent Sinhalese scholar, de Silva, admits that 'it would be true to say that the ethnic tensions have generally occurred when governments have either totally disregarded, or paid less attention than they should have, to the legitimate interests and concerns of minorities' (2002).

War and early peace attempts

One of the most shocking episodes of organised mob violence in Sri Lanka over the years happened in 1983 in what has later been referred to as the *Black July Pogrom*.[14] The killing of thirteen soldiers by the LTTE in the northern Jaffna peninsula, and the ensuing lack of state measures to uphold a minimum of law and order, sparked riots all over the island in which Sinhalese mobs killed more than thousand Tamils citizens besides burning Tamil-owned houses, shops, and factories 'while the security forces stood by' (ICG, 2006:3; Emmanuel, 2004:66; Tambiah, 1991:22f). The violence 'had such a planned character that the ambush of Sri Lankan soldiers rather than being the cause would have represented a convenient starting point' (Hoole et al., 1992:63). The ethnic conflict turned into a civil war, which was soon to become the country's most intractable and destructive problem.

A first brief cease-fire was agreed upon in June 1985 and peace talks commenced in Bhutan's capital the following month, only to be called off after two days (Follerås, 2002:37). Even so, the Thimpu Principles, articulated by the Tamil negotiation team, have

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[14] The riotous outburst in 1983, which some Tamils refer to as a "holocaust" or attempted "genocide", was by many Sinhalese seen as 'a venting of righteous anger' against Tamil "terrorism" (Tambiah, 1991:3).

since remained a cornerstone of Tamil demands vis-à-vis the central government. The principles, which borrow much from the TULF's 1976 resolution, insist on (1) the recognition of the Tamils as a distinct nation, (2) the recognition of the existence of an identified homeland for the Tamils, (3) the recognition of the right to self-determination of the Tamil nation, and (4) the recognition of citizenship and other fundamental rights of all Tamils in the island.[15]

An Indian peace-keeping force (IPKF) was deployed to Sri Lanka in 1987 as part of an accord which made Tamil an official language alongside Sinhala and also committed the government of J. R. Jeyawardene to accept a merger of the Northern and Eastern provinces to allow some degree of autonomy for the Tamils.[16] The Indian military operation proved a disaster; more than 1000 Indian soldiers and 2000 Sri Lankans where killed in less than 30 months, by which time both the GoSL and the LTTE demanded the force to leave the island (ICG, 2006:3f; Follerås, 2002:48). The Indian peace-enforcing attempt amounted to a 'surrender of the island to the manipulations of a regional power', and was the result of 'intolerance and intransigence of narrow nationalist forces on both sides', according to a legendary Sri Lankan narrative (Hoole et al., 1992:354).[17]

In 1989 the LTTE asked for mediation assistance from the United Nations. The UN, however, did not get involved, as the government was against an internationalisation of the conflict to that extent.[18] 1989 and 1990 instead became years of terror in the island, as the LTTE resumed its fight against the security forces and the government simultaneously had to respond to a southern revolt organised by the radical Sinhalese-nationalist movement JVP. A disgusting cruelty characterised the actions of all involved, including those of the GoSL's death squads, in what was essentially an orgy of violence with gross human rights abuses, killings, and "disappearances". According to one source, 'the criminalisation of politics that remains a serious factor in the conflict dates from this period, as well as the undermining of human rights that makes the war so dangerous for civilians' (ICG, 2006:4).

Various actors tried throughout the nineties to establish contact between the warring parties, and appeasement between the government and the LTTE was observed in the first months of the new decennium, and then again in 1994-1995 after Chandrika Kumaratunga's

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[15] The 4th demand was partly fulfilled when 230,000 Indian Tamils in 1988 were granted SL citizenship.
[16] A referendum to confirm or reject the merger has been postponed every year since 1988. In Oct. 2006 the Surprene Court ruled the merger unconstitutional. A de-merger is by some believed to be a major set-back to efforts aimed at reaching a political settlement (ICG, 2006:3fn7).
[17] *The Broken Palmyrah*, written by four university teachers, is widely seen as an accurate, independent account of the pain and agony of northern Sri Lankan Tamils in an inceasingly violent society in the years leading up to and during the Indian intervention. One of the authors, Rajani Thiranagama, was killed by an unknown assassin a few months before the book was first published.
[18] Any "meddling" in the conflict from outside has typically been rejected by the GoSL as well as large sections of the southern electorate and the Sinhalese media (Follerås, 2002:47,162,168).

People's Alliance[19] (PA) had come to power. The talks held during the temporary halts in fighting were promising for a while but proved unsustainable.[20] The Tigers withdrew from the 1995 talks after having 'felt belittled' by the composition of the GoSL negotiation team (Uyangoda, 1995:5). The concept of *peace* became 'the crux of the problem', as this for the LTTE also meant a 'worthy' process, i.e. one that would 'accommodate their status of being a politico-military entity representing a sovereign nation' (ibid.:6).

The government subsequently embarked on a 'twin-track strategy' of political devolution *and* intensified military action, a campaign later known as *war for peace*, which only increased the Tigers' distrust in the GoSL's motivation for power-sharing. The way the devolution package was presented was by some seen as 'deliberately intended by the PA to politically marginalize and isolate the LTTE even further' (Lewer and William, 2002:491). At the same time, the obduracy and ruthlessness of the Tigers contributed to undermine the organisation's image, and international opinion increasingly 'came to regard the LTTE as the main obstacle to peace in Sri Lanka' (Taras and Ganguly, 2006:190).

A constant defect in the country's political system has been that agreements and plans for decentralisation and power-sharing have not been implemented (Lewer and William, 2002:490f). The title of Anton Balasingham's book summarises the failed 1994-1995 talks from the LTTE perspective, *The Politics of Duplicity*, is therefore not totally unfounded.[21] In turn, the post-1995 years saw intense warfare with gross human rights violations on both sides (Uyangoda, 2005b:5; Gunaratna, 2003:199; AI, 2000/1998/1996). The war acquired the reputation of being "dirty" and showed signs 'of having become an "orphaned" conflict' (Taras and Ganguly, 2006:191). Yet, many in the South saw the new rounds of fighting as 'a necessary step to restore the pride of the State [and] teach a good lesson to the miscreant Prabhakaran' (Uyangoda, 1995:7).[22]

The more specific explanations for the intractable character of Sri Lanka's civil war vary, but one element is that international drug- and weapon leagues have vested interests in the conflict (Gunaratna, 2003:208f; Follerås, 2002:56). Influential politicians and state officials are believed to benefit in economic terms from continued warfare. The combatants on both sides are mainly from economically poor rural backgrounds (Lewer and William, 2002:490). The GoSL, while infrequently being criticised for ignoring human rights and using excessive force, has been able to procure weapons and war equipment with few difficulties (ibid.:494). The LTTE, on its part, has collected considerable remittances from

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[19] PA was a coalition led by the Sri Lanka Freedom Party (SLFP), one of two major parties in Sri Lanka.
[20] 1500 people were killed in only 10 days when the 1990 ceasefire broke down (Follerås, 2002:50).
[21] Anton Balasingham was the LTTE's political advisor and theoretician for more than two decades and also the chief negotiator in the latest peace process facilitated by Norway. He passed away in Dec. 2006.
[22] Velluppilai Prabhakaran is the founder and supreme leader of the LTTE.

the Tamil Diasporas through propaganda and extortion (Ballentine, 2003:268). The war has over the years generated an economy of its own, and a ceasefire does not necessarily imply a reduction in military spending. Finally, despite obvious signs of war-weariness among people across all strata, there is probably still *some* level of popular support on both sides to pursue war, as evidenced by callous press articles as well as countless demonstrations and rallies under banners of hard-nosed slogans. Apart from being a fairly common way of "debating" political issues in Sri Lanka, this probably also reflects the fact that the ethno-nationalist conflict is one in which strongly-felt political and socio-economic 'justice-seeking objectives' are prominent (Ballentine, 2003:261) – objectives which must somehow be genuinely dealt with for any resolution attempt to be productive.

As the twentieth century came to a close, the conflict had cost more than 60,000 lives (Uppsala Conflict Database, 2006).[23] Many more had been physically or psychologically injured, and over 1.5 million Sri Lankans (mostly Tamils) had fled their homes. Many settled in India, Europe, Australia, North America, and Australia, but nearly half a million people remained internally displaced in the country (Lewer and William, 2002:489). The material destruction to private and public property was massive, as was the "social" cost and the value of all economic development opportunities spoilt because of the war.[24]

The peace process 2000 – 2006

Officially, Norway's latest involvement in Sri Lanka began after Kumaratunga was re-elected as President in the end of 1999.[25] Till then secret efforts to establish a back-channel between the GoSL and the LTTE via the Norwegian Ministry of Foreign Affairs (MFA) became publicly known when mentioned by Kumaratunga in an interview with the BBC on 30 December 1999 (Follerås, 2002:47-50,187-190). Less than two months later an official process was up and running, as both Kumaratunga and LTTE leader Prabhakaran had formally stated their interest in Norwegian third-party assistance in attempting to transform a military stalemate into normalcy and peace (Goodhand and Klem, 2005:19).

MP and former leader of the Socialist Party, Erik Solheim, was 1 April 2000 appointed special envoy to Sri Lanka by the Norwegian government. Separate talks with both sides and a hectic shuttle diplomacy commenced, and Solheim made headlines by visiting the northern Vanni area for talks with the Tiger supremo on 1 November that same

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[23] Media reports indicate that the death toll passed 65,000 already in 2001 or in the beginning of 2002 (Associated Press, 2007; Hindustan Times, 2006; Bergens Tidende, 2006).
[24] The direct and indirect costs of the war in the period 1983-1987 only has been stipulated to US$ 4.4 bn. However, subsequent phases were more intense and damage-extensive (Richardson, 2005:559,563).
[25] The very first Norway-sponsored meeting between the protagonists took place as early as October 1991 and was arranged by Arne Fjørtoft (GoSL Justice Minister Hameed met with the LTTE's Krishnakumar and Thilakar). The intended follow-up meeting was, however, later called off (Follerås, 2002:164,166).

year, which was Prabhakaran's first rendezvous with a foreign diplomat in seven years. Solheim interpreted his role as being a communications channel and a maker of confidence-building suggestions to the GoSL and the LTTE (Kollstrøm, 2001:35f). While Norway took on the role as go-between, other countries contributed by exercising diplomatic pressure; a World Bank meeting in October 2000 concluded that 'development and economic growth could not happen with the war continuing, and that links between conflict and poverty were self-evident' (Lewer and William, 2002:494f).

Yet, the war continued. There was no pause till the LTTE, on Christmas Eve 2000, declared a one-month unilateral cease-fire. This one-way stop in fighting was later extended three times.[26] In July 2001 the LTTE destroyed eight military and four civilian aircrafts at Sri Lanka's only international airport. The economic and symbolic impact of the attack was strong, as the Sri Lankan economy shrunk for the first time since the conflict began (Ballentine, 2003:277). The Tigers had shortly before been blacklisted as a 'terrorist organisation' in Britain (Follerås, 2002:192). Moreover, a meeting between President Kumaratunga and Norway's new Foreign Minister (Jagland) in June had apparently sidelined Solheim – a move the Tigers strongly disapproved of, calling it a 'unilateral initiative to change the role and function of the Norwegian peace envoy' (TamilNet, 2001).

No further progress in terms of rapprochement between the parties was reported until new elections, due to crossovers in parliament, were held in December 2001 (Follerås, 2002:193-195). On a pledge to open talks with the LTTE, the opposition coalition, led by the United National Party (UNP), won. Ranil Wickremesinghe became Prime Minister and entered into a fragile cohabitation with President Kumaratunga. The Tigers "greeted" the new Premier by announcing a unilateral ceasefire on 21 December which, this time, the GoSL replied to. Six days later the government officially also asked Norway to resume its facilitator role (ICG, 2006:25).

Less than two months later, on 22 February 2002, the Prime Minister, supported by several minority parties, signed the first formal ceasefire agreement (CFA) with the LTTE in seven years. Although later brutally dishonoured, the deal is in principle still valid and as such the longest-lasting *declaration* to date to contain the ethnic violence in the island. The break from war was enthusiastically welcomed, and also international reaction to the CFA was also positive. India, USA, the EU and several of its member states, Japan, Australia, Canada, and UN Secretary General Kofi Annan all vowed support to the agreement and to Norway's facilitative efforts (GoSL, 2002a).

Besides regulating the ceasefire itself, the CFA included measures to improve living conditions for the local population and a mandate for an international monitoring mission.

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[26] The government never reciprocated – a decision harshly criticised by the LTTE (TamilNet, 2000).

The Sri Lanka Monitoring Mission (SLMM) was established swiftly, comprising observers from all Nordic countries,[27] and an immediate process of normalisation began. The lifting of travel restrictions and removal of check-points all over the country indicated that change was imminent. Displaced and war-affected people in the North could again buy "southern" goods at normal prices, and many families separated by the GoSL/LTTE border could finally reunite, as the main highway between the North and South (A9) was reopened for public use for the first time in twelve years.[28] Already in June 2002, UNHCR reported that more than 100,000 refugees had returned to Sri Lanka, trusting (or at least hoping) that the ceasefire between the GoSL and the LTTE would this time hold (Follerås, 2002:196).

Despite protests from the Sinhalese-populist party JVP *and* President Kumaratunga, who complained she had not seen the final draft before the CFA was signed by the Premier, the GoSL and the LTTE soon embarked on a process of dialogue comprising six rounds of peace talks – all facilitated by the Norwegian government.[29] Twelve days before the first session, the GoSL de-proscribed the LTTE. The Tigers had demanded a removal of the ban before the commencement of talks to be able to participate as a recognised party and to stand on an equal footing with the GoSL in the negotiations (GoSL, 2002b).

An important outcome of the third round of talks in December 2002 was the *Oslo Communiqué*, in which the parties agreed to explore 'a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka' (GoSL, 2002c). This was widely interpreted as a shift in the LTTE position from 'separatism' to 'self-determination' (Goodhand and Klem, 2005:20). Still, in April 2003, one month after the sixth round, the LTTE suspended its participation in new talks.[30] Six months later the group presented its provisional plan for the transfer of political power from Colombo to an *Interim Self Governing Authority* (ISGA) for the North-East. While formally respecting Sri Lanka's sovereignty, the proposal implied 'autonomy in almost all aspects of life and suggested an LTTE-dominated administration to govern the North-East for a period of five years, after which elections will be held' (Goodhand and Klem, 2005:21; LTTE, 2003).

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[27] The monitoring mission was later significantly downscaled when the three partaking EU member states (Denmark, Finland and Sweden) in 2006 had to withdraw their observers following the union's ban on the Tigers (TamilNet, 2006e; Associated Press, 2006; EU, 2006).
[28] Before the CFA border crossing was allowed for high-rank state officials and approved NGO staff only.
[29] The 2002-2003 talks were held in Thailand (three times), Norway, Germany and Japan. Two rounds were also held in the final stage of the peace process (in Geneva in 2006) with a new GoSL delegation.
[30] The Tigers gave three main reasons for suspending talks, of which the most important was what they perceived as GoSL steps to 'marginalise' the LTTE vis-à-vis the international community. In particular, the LTTE expressed resentment that a preparatory meeting for a donors conference in Tokyo was held in the U.S., whereto the LTTE was not invited since being listed as a terrorist organisation in that country.

Five days after the Tigers had presented the ISGA proposal, President Kumaratunga declared a state of emergency on grounds that the country's security and sovereignty was at risk. She dismissed three key ministers, taking over their portfolios (defence, law and order, and media) herself, and suspended the usual functioning of the parliament, thus effectively 'precluding any possibility of peace talks resuming around the ISGA proposal' (Goodhand and Klem, 2005:108). The Prime Minister, unwilling to accept Kumaratunga's move, for some days tried to conduct business as usual. However, on 14 November the Norwegian MFA announced that Sri Lanka's peace process was on hold till the country's political crisis had been resolved (ibid.; Barnicle et al., 2004:34).

New elections in April 2004 secured a victory for President Kumaratunga's alliance, which included the Sinhalese nationalist-populist party JVP. With the additional support of a newly-formed party of Buddhist monks (JHU) and a small Tamil party critical of the Tigers (EPDP), a president-loyal government with Mahinda Rajapakse as Premier assumed power (ICG, 2006:25). The new administration did not accept the 'sole representative' status of the LTTE and slated the Norwegian-led process for 'setting out a path for a separate state' (Taras and Ganguly, 2006:198). In the meantime the Eastern military commander of the LTTE (colonel Karuna) proclaimed his defection from the LTTE (Goodhand and Klem, 2005:108). This exposed a sensitive nerve within the LTTE, namely 'the historic division between the North and the East' (Goodhand and Klem, 2005:47). In charge of the latter, Karuna was part of the LTTE's four-member negotiation team in the six rounds of peace talks in 2002-2003. His break with Prabhakaran largely negated the LTTE claim that the Tigers are the 'sole representative' of a 'unified nation' inhabiting a 'unified homeland' (Uyangoda, 2005b:1). Reports indicate that several thousand militants followed Karuna (Aftenposten, 2006e; Uyangoda, 2005b:31).[31] The LTTE has insisted that the faction be disarmed, as set down by the CFA.[32] The potential of Karuna becoming a "spoiler" in any future peace try probably 'remains strong' (Taras and Ganguly, 2006:199).

In the uncertain months that followed, Norway, along with other countries' diplomats, tried hard to create a platform for new talks which the parties could agree to. In June 2004 the self-constituted *co-chairs* of the peace process (Norway, Japan, USA, and the EU)[33] stated that the parties had to 'resume negotiations to prevent international attention

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[31] Figures vary about the LTTE's manpower, but one estimate is that the group (prior to the split) had between 8,000 and 10,000 fighters plus a civilian militia of approximately 15,000 cadres (auxiliaries and non-combatants). Hauge, 2006; Counterpoint, 1995.

[32] Karuna has argued that the relevant CFA clause does not apply to his group of fighters since he and they (as LTTE members) were a party to the original agreement (ICG, 2006:9n19).

[33] These countries coordinated the Tokyo donor meeting in June 2003 which pledged US$ 4.5 billion in economic assistance to Sri Lanka conditioned by progress in the peace process (Uyangoda, 2005b:22).

and support from shifting to other parts of the world' (Goodhand and Klem, 2005:109). Yet, both parties' true-life interest for and loyalty to the CFA continued to decline.

The December 2004 tsunami caused a tragic loss of life and widespread destruction in the coastal areas of the North, East, and South of Sri Lanka.[34] In the midst of despair, hopes emerged that the reconstruction phase might bring the parties closer to each other and so make a peace solution more probable. Drawn-out discussions on how to channel relief funds finally led to P-TOMS[35] – an agreement over a joint mechanism granting the LTTE, along with Muslim and government representatives, influence over the allocation of tsunami aid in the North-East. However, the apparatus was never put in place, as several Sinhalese groups challenged its constitutionality before the Supreme Court, which in turn invalidated some of its clauses (Uyangoda, 2005b:21). The opportunity for clearing old differences was thus not grasped. At their 'most vulnerable and probably most acquiescent', the Tigers were, according to the BBC's South Asia Bureau editor, 'ignored and isolated just when they were reaching out' (2006a).

The stage from mid-2004 throughout 2006 was characterised by growing instability and an increase in aerial and artillery attacks, bomb blasts, and extrajudicial killings. Sri Lanka's Foreign Minister (Kadirgamar), two Tamil MPs (Parajasingham and Raviraj), the deputy head of the government's peace secretariat (Loganathan), the LTTE's political leader in the East (Kaushalyan), and the editor of the (pro-LTTE) website Tamilnet (Sivaram) were all assassinated, and several thousand others, both uniformed personnel and civilians, including school children, students and aid workers, lost their lives. [36] The assassination of the Foreign Minister in August 2005 (credibly blamed on the LTTE) in particular threw both the CFA and the overall peace process into a deep crisis (Ny Tid, 2005b).

As Kumaratunga's final term was coming to end, presidential elections, and also a new, prescheduled vote to the parliament, were held in 2005. Kumaratunga's party (SLFP) won both, and Prime Minister Rajapakse took over as head as state after having defeated his predecessor (and peace process underwriter) Ranil Wickremesinghe with a nominal margin (Rajapakse got 50,3% of the votes).[37] The GoSL and the LTTE finally met in Geneva in February 2006 – four years after the signing of the CFA and nearly three years after the parties sat around the same table. Though this round had a very limited objective (basically to save the CFA from collapsing), the two-day session produced a promising consensus on

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[34] Appr. 35,000 were killed and several hundred thousands rendered homeless (Uyangoda, 2005b:20).
[35] P-TOMS stands for Post-Tsunami Operational Management Structure.
[36] From 2002 to 2006 the Sri Lanka Monitoring Mission ruled 3,827 ceasefire violations against the LTTE, as compared to 346 against the GoSL (CPA, 2007:7; SLMM, 2007).
[37] The LTTE effectively enforced a boycott of the presidential elections in the North, which tipped the balance in Rajapakse's favour. Analysts disagree as to whether this was a deliberate tactic or a pure miscalculation on the part of the LTTE (as Rajapakse was considered the more "chauvinist" of the two).

urgent tasks each party were to undertake in the coming weeks. However, the concessions and promises were never honoured, and the follow-up meeting two months later was never held. Instead both parties' violations of the CFA continued to escalate. Assurances that the parties would be willing to meet again on neutral ground in late October failed to win much trust as the parties for a long time, apparently for vicarious reasons, disagreed on the venue for the discussions. Finally, though, Geneva was again accepted and a two-day session took place without producing agreement on any significant issue (Agence France-Presse, 2006; BBC, 2006f). Its failure lay to rest all realistic hopes that the peace process would recuperate soon. 3,500 people died and more than 200,000 were displaced, in 2006 only, due to the upsurge in violence (BBC, 2007a, 2006h).

Lessons learned and the status in 2007

The initial circumstances of strategic parity had, as of early 2007, changed visibly – in part due to the internal split within the LTTE but also due to the new GoSL stance on the representative-ness of the LTTE. Also contributing to untie the first standoff were possibly the new bans on the LTTE (by Canada and the EU) , which were followed by a harshening of the vocabulary on both sides, ever more violence, and a down-scaling of the international ceasefire monitoring mission in the island (after personnel from EU countries had to leave).

A key reason why a return to war has not been an easy option for neither side is the active engagement of the international community (Uyangoda, 2005b:2). Without this pressure, the GoSL and the LTTE are not likely to remain politically engaged (Uyangoda, 2005a:3) since external interpretations of the conflict are 'central' to the disputants' strategic objectives (Nadarajah and Sriskandarajah, 2005:94). Yet, both the GoSL and the LTTE have learned to ignore international pressure and persuasion whenever they perceive that their strategic interests are at risk; hence, 'the international community cannot impose peace from outside' (Uyangoda, 2005b:33).

While many government people do not believe that the LTTE is going to renounce secession as its goal as long as Prabhakaran remains the Tigers' leader (Shalk, 2003:139), to the LTTE the root cause of the conflict is the Sinhalese community's reluctance to share political power (Taras and Ganguly, 2006:200). Admitting that resistance to power-sharing defies 'any significant compromise between the state and the LTTE' (2005b:21), Uyangoda nonetheless argues that the suspension of war between the Sri Lankan state and the LTTE for nearly three years was 'a vital achievement', and that '[t]he commitment made by the government and the LTTE to explore a federal solution provides the basis for the historic compromise necessary to transform Sri Lanka's civil war to peace' (2005a:3).

3. THEORETICAL FOUNDATIONS

The overall concepts dealt with in this study are *morality, peace, nationalism,* and *third-party facilitation*.[38] This chapter briefly reviews how these notions fit into more general theories and how they relate to each other. Initially the concepts of morality and peace are positioned in the broader picture of global politics. Morality is then connected to the fundamental ideas of nation and nationalism since the peace process under scrutiny was an attempt to resolve a principally ethno-nationalist conflict. Discourse ethics, and the moral objectivity it aspires to, is then commented on and associated with the more down-to-earth tasks of third-party facilitation. In essence, the chapter spells out the analytical framework and theoretical boundaries of the study.

The pursuit of perfection and universal necessity can be seen as the hallmarks of morality (Beck, 2002:61f), whereas at an operational level moral agency can be taken to mean the capacity to act on the basis of moral principles (Brown, 2001:90). Peace is intuitively understood as something more than the absence of war – what Galtung coined negative peace (1996:30-34). While essential, negative peace, for instance in the form of an impermanent ceasefire, is here seen as only one basic component in a "mature" peace concept. Nationalism may refer to both sentiment and action on behalf of a nation – understood as a relatively large group of people which considers itself united by a common past and the vision of a common future (Barash and Webel, 2002:159).

Morality and peace in the political realist tradition

Realist approaches to world politics focus on *state, power, national interest,* and *security* (Coady, 2006:22). Realists typically apply positivist logic, seeing the state not only as central and unitary but also *rational*. Peace is not a permanent feature but equilibrium between inevitable periods of tension and conflict (Burchill, 2001b:81). That is, peace is the recognition of the status quo without further demands *after* the decisive and successful conclusion of a war (Pfetsch and Rohloff, 2000:29). Struggling for, and making use of, power in the rational pursuit of one's interests hence becomes a key priority.

The realist canon of national interest can be recast in terms of *soft* power, expressed by notions such as influence, position, and reputation. Thune and Ulriksen call this outlook 'realpolitik through soft power', and the rational strategy it proscribes for a state that lacks

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[38] The term *third-party* which is frequently used in relation to peace efforts is of course misleading in the sense that there are often (if not always) more than two parties to a conflict. This is acknowledged but not further problematised here, i.e. facilitator and third-party are used interchangeably. The latest official Sri Lankan peace process, as it was actually carried out, renders the term third-party somewhat valid since only the GoSL and the LTTE were recognised and accommodated as prime participants.

hard power is 'to gain international influence by keeping a high profile and doing well according to dominant norms' (2002:6). The logic of mainstream political realism is upheld since the concern with structural limitations and capability in terms of power stays put.

Morgenthau considered a focus on interest and power as crucial to avoid both 'moral excess' and 'political folly': if all nations pursue their respective interests defined in terms of power, we are 'able to judge other nations as we judge our own [and] capable of pursuing policies that respect the interests of other nations, while protecting and promoting those of our own' (Morgenthau, 1993 [1967]:199). Thus, political realism disregards morality in general and opposes moral self-inflation in particular. According to Carr, who saw ethics as function of politics and morality as the product of power (Burchill, 2001b:77), 'no ethical standards are applicable to relations between states' (Coady, 2006:23 – quoting Carr (1962).

Morgenthau acknowledged that political action *can* be judged by moral principles, but he insisted that universal principles must be seen in relation to time and place. 'There can be no political morality without prudence; that is, without consideration of the political consequences of seemingly moral action. Realism [...] considers prudence […] to be the supreme virtue in politics.' (Morgenthau, 1993 [1967]:198f) Thus, morality is not non-existing in relation to politics but tricky and hence unreliable to use as a standard of reference. This lends support to Coady's reading that realism's actual target is not morality per se but an embellishing, self-aggrandising leniency towards it: the realist target is should be 'certain distortions of morality, distortions that deserve the name moralism.' (2006:23) Coady defines the latter as 'a kind of vice involved in certain ways of practicing morality or exercising moral judgement, or thinking that you are doing so'. Typically, a moraliser lacks self-awareness and a breadth of understanding of others and the situation in which they find themselves. In addition, or in consequence, s/he 'is subject to an often-delusional sense of moral superiority over those coming under his or her judgement' (ibid.:24f).

Kantian influences – morality and peace in the idealist tradition

Kant is famous for the statement that 'permanent universal peace by means of a so-called *European balance of power* is a pure illusion' (Kant, 2002:431). Kant-inspired humanists, idealists, and liberalists accordingly base their theories on different assumptions about human life and politics compared to those of realism. In the main, they follow an inside-out approach to world politics and argue that democracy, with civil liberties and market relations (the latter is primarily stressed by liberals), can have an international analogue in the form of a peaceful global order (Burchill, 2001a:63). This opposes the outside-in rationale of realist accounts by which anarchical systemic features confine states

to a struggle for power and security (ibid.: 31f). Idealism, what Burchilll calls 'ethical liberalism' (ibid.:30), hence reflects an optimistic view on humanity and the prospects of generating positive change, both in moral and material terms. The laws of nature are believed to dictate harmony and co-operation among people. Based on reason, the human condition can progress, and peace is essentially a question of establishing legitimate domestic orders throughout the world. The opposite phenomenon, war, is both unnatural and irrational – a plot which becomes virtually impossible 'when the citizens who bear the burdens of war elect their governments' (ibid.:34).

In his peace manifesto (*Zum ewigen Frieden*[39]), Kant's essential message is that war must cease to be an admissible human institution. Without this assumption 'no morality is possible' (Francis, 2004:4). In our universal community 'a violation of laws in *one* part of the world is felt *everywhere*' (Kant, 2005:107f). Thus, perpetual peace is the moral outcome of compliance with the universal rights and duties we have towards each other. Politics, consequently, has to be accompanied by a moral discourse since, from a Kantian perspective, 'leaving things to force is to leave them to chance [and] to abandon the moral path is to abandon the progressive path' (Williams, 2003:184f).

Kant, that is, urges a focus-shift in politics from power to morality (Habermas, 1997:116,119) The basis for human community is the worth of reason in all of us; every individual has 'boundless worth' and is of 'boundless moral value'. In which state a person lives is not the issue; we should regard humanity *wherever* it is found and 'give its fundamental ingredients, reason and moral dignity, our first allegiance and respect' (Nussbaum, 1997:31). Peace-making under such a universalistic paradigm essentially becomes a matter of man's remaking of himself – 'of his means of subsistence, his habitat, his institutions, his moral and scientific standards, all considered as special cases of the truth that the proper business of mankind is man' (Gallie, 1979:35).

Kant admits that perpetual peace as an ultimate moral end cannot be fully realised. *But the political principles which have this aim can!* In other words: policies designed to *approach* a lasting and secured peace are not themselves impracticable. 'For this is a project based upon duty, hence also upon the rights of man and of states, and it can indeed be put into execution.' (Kant, 2005:171) Kant rejects absolutely the attempt by Hobbes (and others) to base moral behaviour simply on our experience of the present and past actions of human individuals. 'He sees no reason for confusing what is morally good with what is the usual behaviour of people. Equally, he sees no ground for identifying morally good actions with what appear to be successful actions.' (Williams, 2003:223) Kant's moral message,

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[39] The title suggests three possible meanings which no single English phrase can convey: *towards* Perpetual Peace, *concerning* Perpetual Peace, and a*t* Perpetual Peace (ref. Gallie, 1979:144n1).

then, is that we are *always* parties to the conditions and events that influence our shared humanity, but any external involvement must be in full understanding with and part of the steps taken by the conflicting parties themselves. Attempts at *enforcing* peace can mean only a renewal of war (Gallie, 1979:35).

The moral significance of nationalism and nations

While the current world situation can be described as a period of transition from international to cosmopolitan law (Habermas, 1997:130), other trends suggest a revival of nationalist sentiments and ideological movements 'for attaining and maintaining autonomy, unity and identity for a population which some of its members deem to constitute an actual or potential nation' (Smith, 2001:9). Nationalism is historically the surface manifestation of an underlying form of consciousness which replaced three pre-modern forces – a distinct way of viewing time, a specific system of territorial integrity, and a particular basis for authority and social life. The possibility of imagining the nation emerged when these beliefs lost their 'axiomatic grip on men's mind' (Anderson, 1991:22f,36). This encouraged a search for new ways of linking time, territory, and society meaningfully together in a process whereby 'rapidly growing numbers of people [were able] to think about themselves, and to relate themselves to others, in profoundly new ways' (ibid.:36).

Although nationalism has often been construed as 'threatening progress, subjugating the will, or undermining the basic order of politics' (Frost, 2006:14), nationalist sentiments do not always trigger violence or war. What seems critical is the degree of *congruence* between the political and the national unit, which may cause feelings of annoyance or satisfaction depending on to what extent (and it which manner) the principle of congruence is fulfilled (Smith, 2001:25). However, even when there are few obstacles to integration, 'the desire of national minorities to retain their cultural membership remains very strong' (Kymlicka, 1995:85f).

Nations typically have a territory they regard as their *homeland* in support of the autonomy claim (Moore, 2000:178). Essentially, this expresses the idea that a people with deep roots and a historical attachment to a territory should rightly control it (Toft, 2003:23). The homeland is not easily compromised; regardless of its objective value in terms of natural or man-made resources, ethnic and national groups often view the right to control it as a "survival" issue (ibid.:20). But, when real estate is transformed into sacred soil in a way that links honour, history, and identity to territorial disputes, the space for 'reasonableness' and 'morally defensible diplomacy' is often significantly reduced (Toscano, 2001:50).

Nationalism can be cast it as a remedial right which legitimises a nationalist agenda that is based on (suffered) exploitation and a just territorial claim – notably if the prospects for amelioration within the existing set-up are slim (Frost, 2006:18f). This suggests that nationalism's worthiness to some extent depends on other people's abusive actions, which resembles a common criterion in theories on secession, namely that a multicultural state has to satisfy certain basic moral requirements in order to claim a legitimate right to territorial integrity (Semb, 2000:1). This right is, in other words, not determined *a priori*. Political theory thus admits that a population has the right to revolt against the state if the latter 'perpetrates injustices' (ibid.:2).

Frost argues that the moral claim of nationalism is related to, but distinct from, the logic appealed to by nationalists (2006:1,8): 'It is not a claim in the sense of comprising the details of what people are asking for, but rather a claim on our moral understanding.' She ties the concept of a nation to representation and construes nationalism as the demand 'that there needs to be a better fit between the representational forms available to a population and a frame of reference that is currently in use among that population' (ibid.:97,103).

Multiculturalism and nationalism are, in this perspective, complementary goals, since they point to the importance of recognising difference while at the same time securing a basis for shared representational acts (ibid.:111). Nations are seen to play a vital role in processes of restoration and remediation 'because a working representational system may have been rent from a population, leaving it disadvantaged in an unacceptable way'. Nations also 'encompass a territorial dimension that gives them particular […] significance in a period when political authority is still highly territorialized and […] political jurisdiction […] still largely exercised within borders' (ibid.:169,172).

While a federal restructuring 'often only refers the minority question to a lower level' (Bigdon, 2003:6), Kymlicka argues that a true democracy does not force nation or identity groups to remain within the boundaries of the state (2000:222). Semb similarly claims that according a minority nation the *right* to secede might increase the chances that a settlement be reached within existing borders since such a principled right would 'strengthen the bargaining position' of the minority group vis-à-vis the state (2000:39).

Moral equality is a vital criterion when evaluating nationalisms since 'representation is premised on the ability of both parties to appear as intelligible to the other, given the right conditions'; so, if one group's national claim is worthy of consideration, then so is the corresponding demands of other groups, including those which may be situated within, or mixed along, a larger population (Frost, 2006:121f). The link between good governance and minority representation has been highlighted by (among others) Horowitz, who claims that democracy intrinsically 'is about inclusion and exclusion, about access to power, about [the]

privileges that go with inclusion and the penalties that accompany exclusion' (1993:18). In effect, an exclusionary nationalist project can devalue itself by 'departing from the moral grounds on which the claim is established' (Frost, 2006:123). If a claim undermines the political representation of some sections of the population, the nationalism in question reduces its own moral standing insofar as representational resources are concerned (ibid.: 86f,109f,169f). A "moderate" patriotism is not exclusive, argues Primoratz, if its adherents are willing to universalise the claim according to which they are allowed to prefer their own country and compatriots, thus granting "all" the right to this sort of partiality (2000:103). "Extreme" patriots, on the other hand, avoid partaking in moral discourse on the subject, which expresses 'a morally indefensible and intellectually suspect exclusivity' (ibid.:104).

Thus, the qualities that make nations an effective instrument of representation – their inherent selectivity and limited scope – at the same time create a system of omissions that has the potential to undermine the entire project. All representations of the real world necessarily leave some parts un- or underrepresented. Frost hence concludes that '[n]ations can and should change over time [but] for so long as they are still a valuable resource for people, their moral standing should be acknowledged' (2006:178,180).

Habermas's discourse theory of morality (discourse ethics)

Sharing Kant's epistemological presuppositions, Habermas claims that norms rest on a foundation of knowledge, and that normative dilemmas, like other problems, can be subjected to rational evaluation and analysis (Eriksen and Weigård, 2003:54). His thinking on the moral application of practical reason – normally referred to as *discourse ethics* but better understood as a *discourse theory of morality* – makes the case for a reflective form of communicative action (Habermas, 1993:vii,1f). Morality is construed as the outcome of rational consensus – a result everyone can freely accept 'because they recognise the reasonable grounds on which it is based' (Eriksen and Weigård, 2003:66,82). This renders normative rightness as an *essentially* discursive matter (Cronin, 1993:xv). Yet, there is no direct line from discursively achieved consensus to action since other motives than those expressing the common will can influence one's conduct (Habermas, 1998:35). Habermas also admits that norms fully detached from a religious foundation and formed on a purely rational basis might carry with them a motivational deficit (Eriksen and Weigård, 2003:66).

That inter-subjectivity is required for establishing and validating a moral norm does not mean that *any* discourse-produced result is right: 'We must distinguish between the social fact that a norm is inter-subjectively recognised and its worthiness to be recognized.' (ibid.:68 – quoting Habermas, 1990) In other words, a socially accepted and "implemented"

norm can be unjust, just as a fair claim to validity for another norm might not meet with actual recognition. To grasp the role of morality in a given situation, it is thus not enough to consider only 'how people actually behave'; following Kant, Habermas advises that one tries to look 'behind' concrete practices 'in an attempt to articulate those basic principles that are perhaps only imperfectly expressed in established norms and individual actions' (ibid.:68).

The deontological and cognitive nature of Habermas's theory conveys that moral rightness has a truth-*analogue* quality, i.e. it resembles and "works" *like* an objective, real certainty. The formalist side means that it does not aim at specifying the *contents* of moral "truths"; instead the theory tries to spell out the procedural *principles* that must be applied to arrive at 'morally tenable results'. The universal character of Habermas's morality theory implies that 'not all normative principles are relative in relation to time and space' (ibid.:67).

A cognitive approach cannot ignore that morality also involves strong emotions like e.g. resentment and indignation when moral wrongs are witnessed. Yet, these reactions are not considered as spontaneous or uncontrollable as e.g. fear or rage – they are of a different kind, somehow mirroring the belief that 'we have *reasons* to feel the way we do; that we [are] entitled to take this attitude' (ibid.:67f). So, moral indignation expresses an expectation that others are capable of identifying something as an offence in the same way as we do. Those causing injustice 'should have known that their action would be regarded as an offence' (ibid.:68). This conveys a very fundamental concern: What kind of behaviour can we justly expect from our fellow members of society and what are they equally justified to expect from us? (ibid.:77) This *underlying reasoning* defines morality's cognitive basis.

The form of dialogue envisaged by Habermas presupposes a basic equality or symmetry between the parties since, 'just by venturing into an exchange of arguments' with someone perceived to be rationally irresponsible, 'the speaker has implicitly accepted them as in principle equal to (her-)himself as far as mental abilities are concerned' (ibid.:70). The interests and viewpoints of all affected must, as a point of departure, be accorded equal weight when questions of normative significance are decided.

The principle of discourse ethics (D) thus asserts: *'Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse.'* (ibid.:71 – quoting Habermas, 1990)

The more direct rule of argumentation, called the principle of universalisation (U), states that: *'A norm is valid when the foreseeable consequences and the side effects of its general observance for the interests and value-orientations of* each individual *could be* jointly *accepted by* all *concerned without coercion.'* (Habermas, 1998:42)

These principles outline the conditions for deciding whether a moral norm is valid or not, the expectation being that a valid norm would be displaying the specified features 'if

moral debate were conducted in the right way and continued long enough' (McMahon, 2000:519) – i.e. as a free discourse. The ability to recast aspirations and interests in a rational form suitable for critical, inter-subjective assessment is crucial. This shift, from what *I/we* want to what deserves *my and everyone else's acceptance*, 'effects the transcendence of particularity that enables us to take an objective moral point of view from which we can identify valid norms' (Rehg, 1999: 231). A Habermas-inspired dialogue thus operates on the basis of reasons built into coherent arguments, which are then rationally assessed in an unhindered process.

Habermas distinguishes between pragmatic, ethical, and moral discourses, each holding unique characteristics for solving normative problems (Eriksen and Weigård, 2003:73-77). Pragmatism is related to utilitarian concerns about the usefulness and effectiveness of actions; ethics connects to culturally-specific norms or ideals; whereas morality is linked to universal standards of justice (McMahon, 2000:515). Though all three are necessary since norms are complex phenomena, 'the most fundamental question in normative theory is the question of what is right' (Eriksen and Weigård, 2003:78). In particular, instrumental-strategic decision-making to tackle subjectively-formulated problems based on an empirical assessment of the circumstances – a typically pragmatic-practical discourse – does not suffice for sound normative reasoning in a social world of inter-subjectivity.

Ethics relates to Aristotelian questions about happiness and what is perceived to be *good* for the agent. These considerations have to do with our identity and self-understanding – essentially 'which values are really good and which principles should be chosen to guide one's life conduct' – and they reflect the fact 'that we all live in societies founded on particular traditions' (Eriksen and Weigård, 2003:75,77). Other actors, histories, and interests matter only to the extent that they are interrelated or interwoven with our own identity, history, interests etc. (Habermas, 1993:6) The pulling aim is personal-existential self-realisation through a contextual concept of action; values and principles for life conduct define the contents of the discourse (Eriksen and Weigård, 2003:76).

Moral commands, on the other hand, are 'categorical or unconditional imperatives' which respond to problems of what one should or must do *not* to realise subjective goals of the good, but rather to observe what is just and consequently a duty (Habermas, 1993:6,8). The question is not 'if it is wise of *me* to act in a particular way in a particular situation, but whether *we all* can rationally wish everyone to act in the same way in all corresponding situations' (Eriksen and Weigård, 2003:75). The moral community thus emerges as the 'better self' of a collectivity whose members can justly expect to be treated equally and where each person regards every other as 'one of us' (Habermas, 1998:29). That is, only

those norms representing the common interest of all would be justified (Habermas, 1993:12f).

The universalism of discourse ethics puts morality at risk of being misused if valid principles are employed in a selective, context-insensitive manner. Also separating justice from ethics at times does not even seem possible in principle 'given the substantive worldviews of those involved' (Rehg, 1999:235). Admitting this tension, Habermas stresses that 'nobody may be excluded in the name of moral universalism', as this would represent a betrayal of one's 'own guiding idea' (Habermas, 1993:15). Likewise, when *several* norms are judged universalisable, a separate round of clarification might be required to evaluate 'which of the norms already accepted as valid is appropriate […] in the light of all the relevant features of the situation conceived as exhaustively as possible' (ibid.:14). In other words: not only abstract justifications but also 'demands made by solidarity and common sense' have normative relevance (Eriksen and Weigård, 2003:81). Stressing precisely the fact that discourse ethics requires unobstructed solidarity with any victim of harm, Linklater concludes that the dialogical approach prescribed by Habermas remains 'one of the best means of advancing the civilising process in international relations' (2005:152,154).

Objectivity and the principle of real moral discourse (RMD)

Responding to the viewpoint that discourse ethics does not sufficiently take into account contextual particularities, Rehg has proposed a principle of *real moral discourse* (RMD) which links 'inter-subjective objectivity with a factual objectivity based in features of the conflict and the moral problems they pose' (1999:229). RMD translates the ideal criteria of discourse ethics into a more down-to-earth problem-based approach aimed at solving moral disputes in obdurate conflict situations. Rehg's strategy is to build *context* more directly into the conception of moral validity by adding 'a factual dimension' to the inter-subjective level. While not rejecting the universalism that discourse ethics construes in dialogical terms – through which a moral norm is objectively binding ('true', 'right', or 'valid') only if everyone subject to the norm could agree to it on the basis of good reasons that hold up in rational discourse – the principle of RMD allows for 'time- and knowledge-constrained processes of dialogical justification' among 'reasonable' discourse participants (ibid.:230f).

The objectivity that Rehg discusses is not the opposite of subjectivity; rather, it stands in relation to the individual participants and includes a 'subjective moment' inasmuch as each actor's particular perspective is taken into consideration (ibid.:253n7). Discourse ethics presupposes that participants in dialogue bring all their actual, context-dependent particularities with them, i.e. their needs, wants, biases, identities, and so on (ibid.:234).

This fact alone demonstrates that any real discourse is a highly contextualised and complicated affair. If, in addition, the dialogue is framed by a conflict situation marked by intractability, this is not likely to make a rational resolution of moral contradictions any easier. Hence, what is important for reaching an "objective" morality is not that full consensus is actually reached but that the participants in moral discourse assume the *possibility* of eventual consensus as a presupposition of serious argumentation (ibid.:236).

The principle of RMD states that '*[a] social conflict resolution is a plausibly correct moral solution if it is one that any reasonable actor can follow in good conscience after participating in a real process of cogent argumentation and dialogue that (a) identified and addressed the most pressing or salient aspects of the problem, and (b) eliminated those resolutions that are clearly inadequate or wrong*' (ibid.:240). Rehg assumes that any disagreement at the level of description can be 'outflanked' by including the disagreement in an *overall* description, which is "objective" in the sense that 'it transcends the particular interpretations of any one party'. Moral objectivity in this perspective means responding adequately to all aspects of the conflict – hence the term plausibly correct. The principle does not require one right or best answer; it rather outlines the conditions for a justification 'that grounds the acceptance of a norm as 'probably correct'. In other words: the actors may agree that several solutions are acceptable but disagree on which is 'best'. RMD builds on the participants' everyday intuitions of what counts as morality and allows that the parties involved take a number of shortcuts in order to arrive at an acceptable conclusion. Hence, the moral domain is open to interpretation and not already delimited to the pure sphere of justice (ibid.:239-241).

The word *reasonable* emphasises a critical aspect of RMD – that of inclusion version exclusion. A reasonable actor is able and willing to shift to dialogical cooperation and respond to cogent arguments. This criterion can be understood as a way of securing that the notion of practical reason is employed in appropriate, and not simply rational (and possibly inappropriate), action. As Rengger notes, reasonableness 'is contextual, and can be sensitive to the specifics of any given case in a way that "rationality" – at least as conventionally understood – cannot' (2001:273). Participants must be genuinely interested and willing to cooperate in describing the objective social conflict – without this premise being met no moral discourse in Rehg's terms can occur. That is, 'each participant must shift from an oppositional or adversarial attitude to a cooperative one [and] begin to see [the] conflict as a *shared or joint problem* and not simply as two (or more) problems' (Rehg, 1999:240,242). This points to the tension between the particular and the universal – between one's *own* good and *the* good (Rengger, 2001:270).

In an RMD setting, the question of who counts as a 'reasonable participant' is partly settled by who makes the initial shift to dialogical cooperation (and with whom that shift is made). Conversely, a decision not to enter a dialogue indicates serious reservations about other actors' reasonableness (Rehg, 1999:243). While exclusionary moves at the level of real discourse are unavoidable, those engaged in dialogue can still consider an outside actor's *concerns* to be reasonable and thus regard him or her as somebody who partly defines the features of the conflict. Moreover, the solution considered "correct" can be a plausible attempt to respond adequately to those concerns – thereby treating the "outsider" with due respect (ibid.:244f).

The shift to dialogue hence represents a major concession in that it 'undermines the possibility of there being opposing correct solutions' since a right solution must address the views and concerns of both/all groups. The parties may still disagree with one another, 'but now [the] disagreement indicates the fallibility of our moral judgments rather than a relativity that makes moral objectivity impossible in principle' (ibid.:247). This aspect of RMD indicates that *any* step involving direct talks has moral value by increasing mutual legitimacy and refuting beliefs that moral objectivity, and hence agreement to a joint solution, is impossible by default. This implies not only an acknowledgment of others as just participants but also the recognition that their concerns and role in the resolution process are legitimate and wanted. Thus, an RMD process requires the partakers to engage in 'a certain amount of self-criticism'. This, according to Rehg, ultimately comes down to a matter of integrity, which 'draws on a complex and messy set of partially conflicting, often ambiguous values and commitments' (ibid.).

Third-party facilitation – a discourse-ethical approach to peace?

The in-built challenge that emerges from Habermas's and Rehg's theories above is how 'to develop institutional arrangements which [can] concretise the dialogical ideal' (Linklater, 1999:173) so that its general universalism neither undermines the *higher* universal criterion of equal moral worth *nor* ignores real-world differences, including the (often traumatising) meaning and value of past wrongs. Devetak apparently agrees with Hoffman that facilitation attempts committed to non-hierarchical and non-coercive conflict resolution offer a promising discourse-ethical approach since the dialogue fostered in such efforts 'involves the conflicting parties in the reversing of perspectives and encourages them to reason from the other's point of view' (Devetak, 2001:174) – hence promoting 'a self-generated and self-sustaining resolution to the conflict' (Hoffman, 1993:206). This underscores the point that ethics, after all, is about recognising the relevance of *the other*,

admitting that his/her/their demands 'might be justified and at least should be seriously considered' (Toscano, 2001:50).

A third-party seeking to promote mutually acceptable outcomes will ideally try to ensure that all parties to and all aspects of the conflict are taken account of. Often, though, the discussions will follow an incremental approach, in which the least controversial issues are addressed first (Egeland, 2001:539). The conflicting parties' own capabilities and resources are in focus, and their interpretations are sought reframed based on a growing recognition of commonly held needs. The aim is 'to transform the situation from a conflict which divides the parties into a problem that they share' (ref. the RMD principle), and compliance with agreements or "solutions" arrived at is enhanced because these derive 'from the parties themselves' (Hoffman, 1992:272).

Thus, a vital point is to get the disputants 'to articulate and address their perceptions of the other parties and the nature and dynamics of the conflict' (ibid.). The dialogue is supposed to stimulate self-reflection on those positions and also encourage the parties to relax their "winning versus loosing" mentality (ibid.:273). This, in turn, would open up the possibility for them to rebuild their broken relationship (Jones, 1999:18). The facilitator typically tries to deal with the parties in a manner that depicts them as equals *even* if there is an actual asymmetry in the relationship between them. But, precisely because of real imbalances in capacity and resources, the dialogue always has to be 'supplemented by political action on the ground' (Kollstrøm, 2001:50f).

This last point points to the risk of overrating the value of keeping the dialogue going at any cost, assuming that whatever is said and agreed upon will, sooner or later, be implemented. Also a moral discourse is somehow a performed act which does not stand in any one-to-one relationship with political action. This underscores the weight of discourse ethics as a principally *procedural* theory; Habermas insists that moral objectivity *is* possible and that joint action to solve moral dilemmas *can* succeed if communicative action is undertaken under the right circumstances and is performed as close to the ideal as possible. The integral hope is as strong and assuring as is Kant's trust in perpetual peace. It makes sense, in this light, to describe third-party facilitation as the 'promotion of consensual decision-making towards the resolution of conflict via a process of undistorted communication' (Hoffman, 1992:273). Peace efforts applying a communicative form of practical reason and conducted on the basis of non-coercive facilitation can, accordingly, be seen as a way of undertaking a real moral discourse – thus reflecting both Habermas's universal principles of justification and application *and* Rehg's amended real-world approach to discourse ethics.

4. THE NORMS & VALUES AT STAKE: IDEAS OF THE GOOD & THE RIGHT IN SRI LANKAN NATIONALISMS & NORWEGIAN PEACE DIPLOMACY

As the peace process in question refers to an essentially ethno-nationalist conflict (Wimmer, 2002:85), the normative positions of the Sri Lankan actors are explained below by pointing to forceful norms and values in the parties' respective nationalisms. As regards Norway's role, the value platform on which the facilitation efforts rested is here considered linked to the general motivation for the country's peace diplomacy, which in turn forms part of an overall foreign policy rationale. The purpose here is to spell out the "inside" of the moral beliefs at stake in the peace process as a prelude to the more explicit discourse-ethical analysis which follows. This chapter thus deals more with *content* than with *process*. In line with the premises noted above (ch. 3), the norms highlighted take on a truth-like character in that they connect to what is considered to be genuinely good or right. While cognitive, they are at the same time embedded in the social, i.e. they are intrinsically linked to and regulate relationships of inter-subjectivity. In the reporting, no strict division is upheld between references to the good and connections to the just or the right, as both categories relate to binding norms of moral significance. The Sri Lankan and Norwegian perspectives are dealt with in turn.

GoSL and Sinhalese perspectives – Buddhism, sovereignty, and unity

Sri Lanka's political system is dominated by elite sections of the mainstream (and chiefly Sinhalese) parties SLFP and UNP – both holding government power in the course of the latest peace process. Traditionally the SLFP has had a centre-left orientation, doing particularly well in rural areas, whereas the UNP has represented slightly more liberal, centre-right values and typically been backed by more urban voters and the business community. However, these distinctions have over the years become blurred (Rampton and Welikala, 2005:6,26). While both to some extent could be called *moderate* parties, their track records when it comes to human and minority rights and, in particular, the use of coercion against those challenging the state apparatus, carry serious cuts. Domestic challenges to the Sri Lankan state have typically emerged from the periphery and been driven by perceptions of exclusion and alienation (Goodhand and Klem, 2005:25). The social-economical issues stressed by poor Sinhalese youth in the seventies and eighties have gradually, though, shifted 'to a terrain of ethno-nationalism and heritage' (ibid. – quoting Zackariya and Shanmugaratnam, 1997). In effect, policies equating Sri Lankan patriotism with Sinhalese-Buddhist nationalism have won hegemony (Richardson, 2005:354,371), and the SLFP's proclaimed concern for equality and social welfare in general extends to the

majority group only (Rampton and Welikala, 2005:19f). Even within the UNP, credited for bold steps in the latest peace try, there is no commitment to 'multiculturalism or grandiose visions of ethnic reconciliation and justice' (ibid.:24). Thus, every Sri Lankan president, whether representing the SLFP or the UNP, 'has at some point turned to waging war for the sake of peace' (Peiris and Raheem, 2007). The main parties hence share several nationalist symbols and values with more fundamentalist Sinhalese groups and parties.

The JVP (People's Liberation Front) is of special interest in this respect since the SLFP has several times shared power with and made concessions to it. The JVP propagates powerful Sinhalese sentiments through a value-rich rhetoric. This nationalism, projected as Sri Lankan patriotism, is fixed on unitary state power, for which territorial *integrity* and *unity* are absolute demands (Rampton and Welikala, 2005:33). The JVP can be said to occupy the moral high ground of 'nationalist authenticity and ascetic discipline' (ibid.:39), and the party's convictions and populist appeal have fuelled the perpetuation of an exclusive Sinhalese majoritarianism (ibid.:35).

A paradox in many postcolonial societies is that while the state bureaucracy is designed to minimise the role of religion in the culture, its leaders 'rule over and are accountable to largely religious nations' (Lincoln, 2003:64). The majority segment might then challenge the state's secularism with the aim of reconstructing it into a (more) religious one and/or to "balance" a politics seen to be lacking a moral dimension (Brekke, 2004:128). This observation depicts a key facet of Sri Lanka's post-independence years, during which many radical, and increasingly quite nationalistic, Buddhists felt that their religion had been betrayed. (Little, 1999:50).

The mix of political and religious language in today's Buddhist-Sinhalese rhetoric is striking. Two ideals related to the integrity of the island are *dhammadipa*, the island of "rightousness", and *sinhadipa*, a territorial claim based on the Sinhalese heritage. The former notion conveys an explicit *moral* obligation to protect the righteous land (the island) and the *sasana* (the religion) (Frydenlund, 2005:8). Buddhism is through these symbols essentially interpreted as the soul of the Sinhalese nation and plays today a foremost role in state affairs (Orjuela, 2004:90f).

Governance in Sri Lanka is thus, as seen by one (Tamil) MP, not based on modern secularism but rather on *theocracy*: 'The Buddhist clergy has the final say in all the affairs of the state. And to undo that is almost impossible' (The Northeastern Monthly, 2004). Little notes that the Sinhalese 'have sometimes thought of themselves as a chosen people with a providential mission, who are for that reason entitled to cultural, linguistic, and political supremacy' (1999:43). Linked to this belief is a distinctive Sri Lankan Buddhist worldview which renders the island a Buddhist 'promised land' (Bartholomeusz, 2002:141).

The selective reading and reformulation of central myths in the Sinhalese culture have, in other words, contributed to suspicion and a negative stereo-typing vis-à-vis the island's minorities (Brekke, 2004:170,176). An especially powerful legend is that the Buddha declared the island as the place where *Theravada* Buddhism in its pristine forms should be preserved for ever (Wilson and Manogaran, 1994:238). Notwithstanding the fact that this strand of Buddhist philosophy is shaped by a doctrine which, in addition to non-violence, values compassion, love and sympathy (Bartholomeusz, 2002:110f), the tolerance enacted by the majority in fulfilment of these ideals is, according to some monks, 'contingent upon the minorities' acceptance of an inferior position' (ibid.:117)

This means that, in Sri Lanka, the Buddhist non-violence code is intricately linked to, and eventually subordinated, an overriding canon which emphases *protection*. Protecting the perceived unity of the state has priority and is justified, perhaps even unavoidable, when the righteous authority is under threat (ibid.:116). So, while outright calls for the use of military force are problematic for most monks, the essentially same demand (using consequential logic) is framed under a "protect the country" label. Using force, accordingly, becomes acceptable to 'a large number of Buddhist monks' in times of danger (Frydenlund, 2005:18). Hence, Sinhalese who align their religion primarily with non-violence and peace represent only one line of thought in today's Sri Lanka; other narratives, and the ethical stance they promote, run counter to the *ahimsa* foundation of Buddhist pacifism. Sri Lankan Buddhism is therefore, in a practical sense, ambivalent about war; it 'condemns, with as much frequency as it justifies, war and its violent legacies' (Bartholomeusz, 2002:12,102).

In effect, many monks recurrently request the government to 'finish the war', i.e. to continue the fight against the LTTE 'until all terrorists are annihilated'. This is then seen not as a licence to kill, but rather as an expression of a collective intention 'to usher in peace' (ibid.:124,147). Monks can, as a result, provide consolation and guidance also to military personnel. Their role when visiting army camps is explained by one of them in the following manner: 'My responsibility is to boost the morale of the soldiers […] I console them by reminding them of all the good deeds they have done in their life. Quelling the terrorists in the north is solely to protect the people of the country. Soldiers have to risk their lives to protect and safeguard the dharma. The soldiers in the army are courageous; they have become selfless. Therefore, it is possible even to attain *nibbana* [nirvana]' (ibid.:122 – interview with the Venerable Bangamuwe Nalaka Thera).

The passion for unity at times leads Buddhist clerics as well as Sinhalese politicians to disclaim the war and "forget" the de facto division of the country. Some monks claim e.g. that 'no splits exist among the peoples of Sri Lanka' – in essence, the conflict is not real (Frydenlund, 2005:17). Likewise, shortly after more than 200,000 people (mostly Tamils)

were rendered homeless due to the escalating war in 2006 (The Guardian, 2007), President Rajapakse stated that '[t]he civilian population [is] not involved in this armed conflict. Therefore, there is no […] civil war [in Sri Lanka]' (Daily News, 2007).

Many Sinhalese have of course not internalised the most exclusivist dogmas of Sri Lanka's Buddhist nationalism. Moderate representatives of the majority community stress that by acknowledging only a *terrorist* problem and not the deeper conflict, all Tamils are demonised and that this, in turn, undermines efforts aimed at reaching a political solution which would grant the country's biggest minority at least some degree of autonomy. Thus, they oppose that a Sinhalese-Buddhist preoccupation with *unity* is made dependent on the preservation of the present *unitary* state (de Silva, 1998:65). Forming an inclusive discourse which embraces the country's diversity and acknowledges the importance of a Buddhist past yet transcends narrow, exclusivist projections now being disproportionately influential in the society, nonetheless remains a challenge on the majority side (Holt, 1998:194).

LTTE and Tamil perspectives – homeland, liberation, and self-determination

If the Sinhalese identity in the latter part of the twentieth century evolved into a form of cultural nationalism, so too did its Tamil counterpart. Already in the seventies mainstream Tamil parties adopted the rhetoric of 'liberation', and the 1977 elections were described as a referendum on whether or not to establish an 'independent, secular, socialist state of Tamil Eelam' (Richardson, 2005:371). While most Tamils in the North supported the demand, the picture was not as clear-cut in the East, where the party representing the separatist line (the TULF) received 26% of the votes while the Tamil population at the time constituted 41% of the electorate (GoSL, 1983).

Clearly, the LTTE *is* not the Tamil community in Sri Lanka, nor does the group represent all experiences or diverse viewpoints of the island's biggest minority. Leaders of the LTTE nonetheless consider themselves 'rulers of a political entity of a sovereign nation' (Uyangoda, 1995:5), and the organisation stands apart from other Tamil opposition groups, both in ideology and in strength, by representing 'a strand of political will and thinking among the Tamils which is extremely strong and entrenched' (Rajanayagam, 1994:200). Australia-born LTTE insider Adele Balasingham[40] affirms that Sri Lanka's Tamils make up a quite conservative society with a deep understanding of its own worth (Balasingham, 2001:45). Their pride resonates with the nationalist oratory of the LTTE, but the unity achieved 'is founded in terror and wedded to an antidemocratic ethos' (Pfaffenberger, 1994:164). That is, internal destruction and terror have alienated and cleaved the Tamil

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[40] Adele Balasingham is the widow of the LTTE ideologue and chief negotiator Anton Balasingham.

community and in part rendered the *eelam* motto 'an empty slogan' (Hoole et al., 1992:353). Yet, much of the authority and respect the Tigers *do* enjoy derives from the moral argument that *they alone* have uncompromisingly undertaken the Tamil nation's liberation struggle – thus also bearing the cost and making the sacrifices that this burden entails (Uyangoda, 2005b:11). Many Tamils consider the group 'a necessary evil', typically explaining their somewhat hesitant support in this way: 'I don't agree with them totally, but […] we would have been wiped out without them putting our cause on the map.' (BBC, 2006d)

LTTE reps always speak of the right to *self-determination* of the Tamil people of *Ilankai* (Sri Lanka), whom they describe as a 'distinct nationality' which possesses a 'Tamil traditional homeland' (Pfaffenberger, 1994:22). This is essentially the short-version of the principles put forward by all Tamil groups partaking in the first peace talks held in Bhutan in 1985 (ref. ch. 2). The LTTE refers to S. J. V. Chelvanayakam, the founder of the Federal Party, as *thantai* (father) *Chelva* (Rajanayagam, 1994:170). Considered the last *influential* Tamil leader committed to non-violence (Richardson, 2005:353), Chelvanayakam 'seized on the quintessential of nationalism' and treated language and territory as 'unquestionably linked' (Wilson, 1994:134f). The declaration of the Federal Party's first national convention in 1951 set the agenda for the struggle to come (Emmanuel, 2004:42f):

> '*Inasmuch as it is the inalienable right of every nation to enjoy full political freedom without which its spiritual, cultural and moral stature must degenerate and inasmuch as the Tamil-speaking people in Ceylon constitute a nation distinct from that of the Sinhalese by every fundamental test of nationhood, firstly that of a historical past in this island […], secondly by the fact of their being a linguistic entity different from that of the Sinhalese […], and finally, by reason of their territorial habitation of definite areas which constitute over one third of this island, this first national conference […] demands for the Tamil-speaking nation in Ceylon their inalienable right to political autonomy and calls for a plebiscite to determine the boundaries of the linguistic states in consonance with the fundamental and unchallengeable principles of self-determination.*'

The essence of this proclamation was *self-rule* in a linguistically coherent part of the island and *shared rule* at the centre in Colombo. Twenty years later separatism had still not become the goal; the Federal Party's 1970 election manifesto urged Tamils not to lend their support to any group advocating 'the bifurcation of the country' (Richardson, 2005:353). However, the 1951 declaration considered the bond between the North and the East as vital, and Tamil leaders have ever since the two provinces were temporarily merged as part of the Indo-Lanka Accord (ref. ch. 2) insisted that this link 'must be maintained if there is to be lasting peace in Sri Lanka' (Manogaran,1994:120,122). Part of the rationale for this claim is economic; the Eastern Province, with its considerable rice production, is essential if the North-East is to constitute a viable unit (Pfaffenberger, 1994:14).

Underneath the nationhood fundamentals one finds among stern Tamil nationalists a conviction that Sinhalese suppression of Tamils is an age-old tradition: 'The Sinhalese […], who are racists, have been engaged in the destruction of the Tamil race [for] 2500 years. This hatred lies deep in their hearts till this day.' (Rajanayagam, 1994:178 – quoting the LTTE magazine *Tamililam*) Thus, an almost primordial understanding seems to underpin the LTTE's resistance. Anger and bitterness for having been subordinated the majority are discernible also from the vocabulary used when the enemy is labelled. An LTTE paper in 1986 declared that whoever accepts or displays Sri Lanka's unitary constitution, the ('Sinhala') anthem or the ('Sinhala') national flag 'is a definite traitor to the Ilam Tamils' (Rajanayagam, 1994:183 – quoting the LTTE paper *Viravenki*).

On the "diplomatic" level, the language and logic applied to justify the struggle and the methods used are more skilful. Presenting what *she* sees as good or just reasons for the violence applied by the group, Mrs Balasingham's self-justifying account tells something about the internal "discourse" (to the extent this term captures the real processes in a totalitarian structure) and normative motivation of the LTTE (2001:280f):

'*There are sections of humanity who face extreme forms of repression and gross violations of human rights [… F]or these people the acceptable norms of conflict resolution i.e. dialogue, consultation and negotiated settlement have failed to bring respite. Instead, the oppression continues, becomes entrenched and defies a rational sentiment [… W]hen all non-violent modes of struggle are exhausted and when persecution deepens to an intolerable magnitude threatening the very existence of a particular national formation of a people, the violence of the oppressed becomes qualitatively different from the violence of the oppressor. In this case, the violence of the oppressed becomes the legitimate weapon of self-defence for the preservation of the life of the community as a whole. This is the case with the Tamil people in Sri Lanka.*'

Balasingham essentially makes the LTTE struggle a matter of collective survival, carried out by regrettable but nonetheless justifiable means since all other ways of saving the nation are supposedly exhausted. This also means that it is not death but *life* which is in fact being "celebrated": the LTTE is 'fighting to protect life, the collective life of the Tamil nation' (Balasingham, 2001:288). Renouncing individual lives for the sake of the group is cast as 'an extraordinary phenomenon of self-sacrifice' which represents 'a supreme humanist ideal' (ibid.:289). Whether one accepts this kind of reasoning or not, the Black Tigers testify painfully to the phenomenon of suicide tactics and illustrates, as history also proves, that material concerns do not always hold the dominant position in the motivational hierarchy; at times 'affronted dignity and values' can generate greater dedication than many other needs or wants (Francis, 2004:7).

Noting that leaders involved in war *always* claim a high purpose, Anderson argues that an initially perceived purposefulness may later change and that war itself, through people's experience of it, can become the reason for future fighting (Anderson, 1999:10,16). This seems valid for Sri Lanka, where nowadays it is largely 'the consequences that carry the conflict forward' (Uyangoda, 1999:158). But 'when brutality, torture, and terror […] become the methods employed to pursue a just cause, they undermine the justification for that cause' (Anderson, 1999:12).

Discipline and *rational prudence* are usually stressed when the staunch 'war morale' of the LTTE is commented on; organisational loyalty takes precedence over any other ties (Richardson, 2005:480), and the infamous cyanide capsule strung around the neck of all cadres is to be consumed if 'capture is imminent' (Gunaratna, 1997:2). Prabhakaran apparently became a guerrilla chief much due to his 'single-mindedness, self-discipline and personal courage' (Richardson, 2005:351,479). Described as a 'Tamil hero-ascetic' (Rajanayagam, 1994:172), he admires manifestations of bravery and believes in the law of righteousness (*dharma*) (Balasingam, 2001:338), and thinks that no struggle is possible 'without killings' (Richardson, 2005:480 – quoting Swamy, 1994). Building up a culture of sacrifice and martyrdom with himself as 'demi-god' leader (Time Magazine, 2006), 'the struggle has become his life and he has become the struggle' (Balasingam, 2001:334).

Thus, the LTTE largely follows its *own* logic as to what is truly good or right, and "traitors" to the cause have not only been found among Sinhalese power-holders; the mercilessness has been directed again *all* groups and strata, including numerous Tamil leaders representing other state-critical groups (Richardson, 2005:676n72) and own cadres falling out of favour (Pfaffenberger, 1994:16).

Contradictions and commonalities in the Sri Lankan perspectives

Though Sri Lanka's two nationalisms express the sentiments of a majority and a minority respectively, both groups in fact suffer from a minority complex (Toft, 2003:21). In the case of the Sinhalese, the paradoxical majority-minority constellation is explained with reference to Sri Lanka's small size (territorially as well as demographically) and historical influences from India (Tambiah, 1991:92). The situation for the Tamil community is that, while a factual minority, it stakes a strong parity claim; the Tamils had become 'a proud community whose experience of social dominance in their own region and whose sense of greater "orthodoxy" and "orthopraxy" in matters of caste and [religion] made it impossible for them to accept a position of subordination in a polity composed of a Sinhalese majority' (ibid.:102,106). Thus, both nations struggle to come to terms with a

"threatening" and supposedly stronger *other*, contending that while *theirs* is a defensive struggle aimed at "survival", the other side is "communal-minded" and pursuing an agenda which is both aggressive and exclusivist (Emmanuel, 2004:41; Tambiah, 1991:105).

Both nationalisms' inbuilt moral arguments derive inspiration from the domain of religion. But, while references to Buddhist postulates are fairly explicit on the Sinhalese side, the Tamil nationalist rhetoric is generally framed by law-like formulations alluring directly to what is considered just or fair. Anderson hence describes the Tamil struggle in Sri Lanka as an 'historical contest for political rights' (Anderson, 1999:11).

Considerable sections of the Sinhalese and Tamil communities uphold an idea of being destined to inhabit and preserve the cultural traits of their *homelands*. This idea is perhaps more explicit in the Tamil case since the *eelam* term is incorporated in the name of the LTTE and other Tamil organisations. It is, nonetheless, an unmistakable element also in the nationalism (or "state patriotism") expressed by the majority – mainly due to the unique version of Buddhism practiced in the island. The problem with these homeland notions is that the corresponding territories do not fit each other geographically; while the Tamil claim is linked to the North and East, the Sinhalese (Buddhist) demand refers to the whole island. This leaves the land dimension at the core of the dispute, and the moral value affixed to it is not easily circumvented since each side 'has a keen sense of its own status vis-à-vis the contested territory' (Toft, 2003:22). Thus, the Sinhalese and Tamil national identities in large measure mirror each other in their 'equation of race, religion, language, and territory' (Pfaffenberger, 1994:25).

The disputants seem to operate along relatively self-centred, ethical-existential dimensions in which the histories and interests of the other side matter only if interrelated with one's own (ref. chapter 3). Negotiations are therefore no morally binding precept for either party; both the GoSL and LTTE are rather 'hard-hearted and calculating bargainers' (Uyangoda, 1999:163). The reason, Uyangoda claims, is that, at the heart of the dispute, is the question of state power, and the idea of sharing this power 'has been the least accepted and most resisted approach in Sri Lankan politics' (ibid.:167). Successive governments have instead made attempts at "depoliticising" the Tamil struggle and bringing Tamil organisations into 'normal' politics within the unitary state (Stokke, 2006:6). The issue of power is of course linked to the territory dimension mentioned above. After the failed 1994-1995 negotiations, Uyangoda (himself an advisor to the government peace delegation at the time) concluded that the GoSL's peace dilemma 'emanates not from the LTTE per se, but from the difficulty of coming to terms with the political and military […] gains of Tamil nationalism which the LTTE represents' (Uyangoda, 1995:7).

This state of affairs reflects that Sri Lankan institutions often only serve narrow, sectional interests, and that many citizens, in the course of this "ethnicisation" of politics, have been excluded from or rejected by 'the only institution of our times that is able to guarantee the minimal rights associated with the modern age: the nation-state' (Wimmer, 2002:194). The result has been a polarization of political life into two camps, which cling to largely distorted perceptions of each other and are reluctant to act and communicate in reasonable ways (Tambiah, 1991:120). Psychological and socio-political effects of more than two decades of fighting have in turn created conditions which make the continuation of war seem 'rational, necessary, and morally justified' (Uyangoda, 1999:158). Both sides hence create and reconfirm their own heroes: southern "protection activists" are seen as reincarnations of mythical Sinhalese nobles, whereas ready-to-die Tamils are depicted as fearless fighters taking on an unrighteous enemy and ultimately honoured as martyrs (Tambiah, 1991:119). As commented by Tambiah, a 'minority of activists, populists, and terrorists on both sides holds the entire society as its hostage' (ibid.:120). Norway's former Deputy Minister of Foreign Affairs, Jan Egeland, obviously shared this reading when stating to the press in 1997 that the main obstacle to peace in Sri Lanka 'is the fact that there is extremely much chauvinism on both sides' (Klassekampen, 1997).

The idealist value-basis for Norwegian facilitation – peace, equality, and dialogue

Norwegian peace diplomacy is a socially and culturally constituted activity, if only because practice at times is a matter of 'following the constitutive rules one has internalised from one's social-cultural setting' (Dobinson, 2000:293). Furthermore, foreign policy has domestic implications and cannot be fully understood without integrating the national arena as an exhibition and legitimising ground (Tvedt, 2003:74). Disregarding the relationship between a facilitator and his/her socio-cultural setting might thus lead to a simplified or superficial treatment of acts and motives.

Three central moral categories in Norwegian culture which form part of an intricate hierarchy of norm-based goals and strategies are *peace*, *equality*, and *dialogue*.[41] While far from defining a complete idealist platform for Norwegian foreign policy, these can be seen as one important normative pillar of such a base. The weight accorded to all three categories seems to derive from both strong altruism/goodness-related ideas (expressing 'the good') and justness/law-like convictions of what constitutes 'the right'.

Halvdan Koht described Norway's history from the middle-ages till the 1905 break-up of the union with Sweden as 'an endless quest for peace' (Riste, 2001:254 – quoting

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[41] Dobinson's thourough-going PhD dissertation (2000) is a key source used in this regard. Her findings are reviewed in light of other research documents, speeches/statements, press reports, and own interviews.

Koht, 1906). While too general to carry analytic value, the statement indicates that a preoccupation with peace is no new invention. Koht believed that small states had a special mission in pioneering for peace built on justice rather than power (Riste, 2003:5). Indeed, the idea that Norway has a special role to play in 'leading the world [] towards peace' has remained 'surprisingly stable' (Riste, 2001:255); a 2005 survey showed that nine out of ten Norwegians (92%) look upon Norway as a nation 'which shares its resources with others through humanitarian activity and peace work' (Leira, 2005:135).[42]

When the Cold War era came to a close the room for activism on the global scene expanded, and the Oslo Accord between Israel and the PLO in 1993 nurtured the idea that small states have a special role to play in world peace politics. Norway was also financially in a sound position to engage itself in far-away conflicts and to pledge post-war recovery support (Tamnes, 1997:443f). So, while the Norwegian state in 1990, officially or more indirectly/secretly, was involved in peace work in four countries spending a moderate 3.7 million NOK, these figures had six years later risen to 22 countries/conflicts and 167 million NOK (Follerås, 2002:147,149; Sørbø, 1998:2f).

Tvedt refers to the consensus-oriented climate in peace and aid-related matters as a 'national regime of goodness' with corporative characteristics (Tvedt, 2003:17-51,158-197). Thus, while also serving domestic interests, ideas about *being* and *doing good* have had a strong attraction national elites as well as the public at large. Symbolically, these ideas define a nearly "holy" realm from which moral support and legitimacy can be drawn in processes of self-identification. Hence, an important part of Norwegians' self-image is that 'they should do some good for the world' (Dobinson, 2000:262 – interv.with Dan Smith). While Hompland relates this to the fact that Norway is a small and unimportant country with a need to 'inflate' its self-image (Dagbladet Magasinet, 2005), an alternative reading is that Norwegian "do-good-ism" represents 'a Kantian cosmopolitan position' which, merged with a long-lasting missionary spirit, has as its aim 'an ethical purification of the activism policy, de-linking it from strategic interests and challenging the preoccupation with the importance of maintaining close relations to the US' (Thune and Ulriksen,2005:11).

These readings hint to a fine line between idealist virtues and realist interests – a complexity not necessarily grasped if the idealism/realism distinction is used flatly. The scale of Norwegian peace efforts can arguably be seen as a way of accruing and enjoying 'soft power' (Riste, 2001:264; ref. ch. 3), and Østerud stresses that good *intentions* are usually of little value to potential beneficiaries; what counts are real *effects* (2006a). This relates to the seemingly short distance from morality to moralism (ref. ch. 3). The risk of misinterpreting one for the other, or ignoring the distinction altogether, is also highlighted

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[42] 4,000 Norwegians responded to ten statements about their country.

in recent debate (Østerud, 2006b; Tvedt, 2003:236-300; Thune, 1997). Egeland claims that peace, also when imperfect, is always better than war (Dobinson, 2000:278). Even if 'only one in a hundred attempts will succeed […] it will be worth the effort' (Egeland, 2001:546). This indicates that it is peace as *no war*, what Galtung called 'negative peace', which lies at the root of Norway's "peace-activist" reorientation since the nineties.

Dobinson claims that the positive weight accorded to peace (as a moral category) in Norway derives from a culture which both *values* peace and has devised *mechanisms* for securing it (2000:184). What is more, 'the average, well-educated Norwegian would believe that it's so obvious that prosperity lies in peace, that it's just logical and rational to get out of violent conflict and into a peace arrangement' (ibid.:270 – interview with Dan Smith). Promoting peace is, at once, rationally smart, ethically good, *and* the morally correct thing to do: 'We cannot afford not to work for peace.' (Tidens Tegn, 1997 – interv. with Egeland) Peace hence occupies a central place in the discourse which puts Norwegian identity into practice. Efforts towards this goal are construed as "natural" for members of the Norwegian society to engage in – 'even a moral obligation, based on the "inheritance" one has to live up to' (Dobinson, 2000:222). The taken-for-granted logic and naturalness of peace echo a typical Norwegian 'assumption of reasonableness', claims Dobinson – the belief that 'all people are as 'reasonable' and willing to compromise as Norwegians believes themselves to be' (ibid.:269f).

Norwegian efforts to promote peace are historically linked to not only missionary practices but also the labour movement's development (Leira, 2005:152). Jointly these traditions point to ideals of a universal humanity and equal rights for all, upon which much of Norway's egalitarianism is based (Dobinson, 2000:236-238). Informality, aversion to pomposity and rank, weak class awareness, and, at least historically, a politically correct "down-toning" of differences, are all important expressions of the egalitarian norms of society (ibid.:239,241,243-247). According to Dan Smith, 'the informality, the sense of equality between people, [and the] lack of an openly deferential culture […] fit well with the conflict resolution context' (ibid.:265 – interview with Smith).

Norwegian go-betweens pay, according to Dobinson, *particular* attention to treating the involved actors as equals; it is 'a hallmark of their mediatory style' and considered a basic prerequisite to make talks at all possible. This attitude has, at least in some cases, 'produced positive outcomes […] by bringing parties into a […] process who would otherwise be excluded' (ibid.:264). Thus, a principled stance on equality connects to questions of inclusion and exclusion by signalling whose concerns and interests valid – i.e. who are the just stakeholders to a forthcoming negotiation and resolution process. However, an apparent lack of reflection on difference due to many Norwegian's lack of first-hand

experience of profound divisions points to a latent weakness for Norwegian peacemakers. Thomas Hylland Eriksen claims that this 'must be a very severe handicap for Norwegians involved in peace negotiations' (ibid.:268 – interview with Hylland Eriksen). When facing differences, Galtung argues, 'they would tend to see it as misunderstandings' (ibid.:269 – interview with Galtung). Dobinson concludes that if Norwegians go about acting 'in the ways learned within their society', they might underestimate the cleavages of more heterogeneous social settings where differences and inequality are somehow more real and possibly also more generally accepted (ibid.:247).

Norwegians generally like to think that agreement is possible, and dialogue is undoubtedly the method considered most appropriate to resolve differences: '[I]f we only sit down and discuss a matter we'll reach an agreement; viewpoints can always be reconciled' (ibid.:255 – interview with Hylland Eriksen). Also political leaders endorse this viewpoint and consider dialogue a key tool. Since Norway cannot impose its views on others, 'dialogue must be our strategy', argues Helgesen (speech, 2002). Foreign Minister Støre fills in: 'If you want a party in a conflict to take a different view, it helps to talk to them […] One of the most dangerous things in the world today is the absence of dialogue.' (speech, 2006)

Since a dialogical approach means dealing also with 'despots' and 'men of violence' (Francis, 2006:126), it is sometimes branded a soft tool – a viewpoint the Foreign Minister downright opposes: 'Being willing to enter into a dialogue is not a sign of weakness […] Dialogue is based on values and principles; it is the strategy of the brave. Dialogue opens doors. Dialogue builds bridgeheads, not positions of defence.' (Støre, speech, 2006) Also in the Sri Lankan case, MFA officials tend to think that dialogue is important, even with "bad" people (interview, MFA official). Norway has, in other words, not terror-listed the Tigers in order to keep open the possibility of having a dialogue with them (interv., Hanssen-Bauer).

Openness to seeing non-state actors as *possible* political partners seems to influence Norway's stance on this matter. Put differently, actors representing marginalised or wronged people should not be excluded at the outset (Helgesen, 2007:12). This can be interpreted as a form of lenience vis-à-vis ethnic/nationalist and rights-based movements which, in the prevailing international system of states, suffer from a lack of legitimacy and status. Dobinson observes that "war heroes" in the Norwegian setting are typically members of a resistance movement who, as underdogs, 'bravely fought a "just" battle' (2000:218). Norway has, accordingly, maintained connections with quite a few rebel movements and accumulated a fairly good understanding of their internal logic and outlook; however, flaws in the international response to terrorism have, argues Helgesen, 'adversely impacted conditions for peace negotiations, including Norwegian peace diplomacy' (2007:6,20).

5.   DIALOGICALITY, INCLUSIVENESS, AND EQUALITY IN THE PROCESS

This chapter empirically reviews the peace process in relation to the three moral categories under scrutiny. Subsequent to comments on the overall quality of the GoSL-LTTE dialogue, including Norway's role and contribution in this respect, steps affecting the inclusiveness of the process as well as the way in which equality and status issues were dealt with are described. *Reflection* on the aspects and points presented vis-à-vis discourse-ethical criteria in response to the research questions posed is deferred to the next chapter.

Dialogicality; the spirit and substantiality of talks

Norway's principal task in the beginning of the process was to stay in regular contact with the parties while measuring and trying to further rouse their motivation for negotiations; this was done through a hectic shuttle diplomacy and by suggesting confidence-building measures for establishing a suitable climate for, initially, a cessation of hostilities and, eventually, a productive dialogue between the parties. The CFA signed in February 2002 was the chief outcome of these efforts. The next stage entailed the prime task of arranging and holding direct peace negotiations between delegations of the two sides, which happened in two phases – the six rounds of talks held in 2002 and 2003, and the two final sessions organised in Switzerland in 2006 (Geneva I and II). Also in between these two phases Norway remained the facilitator and key point of contact for the parties and other actors with a stake in the process. A part of this function was to prepare and co-organise donor conferences to secure financial support for war recovery efforts (ref. ch. 2).

The ambience in the first rounds of talks in 2002 was good; Norway, as the chair, had to "direct" the conversation only loosely: 'The sessions would typically open with a statement by each side, but afterwards the discussion would just flow. We could let the dialogue run its course. We hit upon a good tone at once and there was rapport between the delegates. There were also receptiveness and genuine will to search for solutions.' (Interv., MFA official). Thus, the two sides already had some confidence in each other when the talks commenced; unofficial contacts had been set up between the LTTE and the UNP while the latter was still in opposition (Philipson and Thangaraja, 2005:24). On behalf of the Tigers, Balasingham (2004:377) said this in his inauguration speech: 'We are optimistic […] because both [leaders] have […] a firm determination to resolve the conflict through the process of dialogue.' Also the role of the Norwegians was seen as constructive: '[They were] pulling the threads together and keeping the dialogue focused. Mr Helgesen […] carried out his role with considerable sophistication and even-handedness'. (ibid.:385)

Apparently, the positive climate was there also in the end of November 2002: 'The sessions of talks held so far have clearly demonstrated that the protagonists are earnest and sincerely committed to resolving all issues.' (ibid.:394f) In the third round only a week later, which led to the Oslo Declaration on federalism as a framework for a future solution, there was still 'a positive drive and a good dynamic; each side gave the other space to position itself' (interview, MFA official). However, in the course of a few weeks this 'enthusiasm and euphoria' (Balasingham, 2004:ix) seems to have been considerably restrained. The slow rate by which the agreed steps were being implemented led to disappointment and mistrust, especially on the part of the LTTE (interview, MFA official).

In tradition with the strategy pursued in previous processes, the Tigers had insisted on a stage-by-stage process which prioritised the immediate humanitarian situation in the North-East. The more fundamental issues, including the task of crafting out a political solution, were to be dealt with when living conditions in the war-torn areas had been "normalised". However, by the end of 2002 the Tigers felt that the 'urgent existential problems' of the people in the North were being 'trivialised' (Balasingham, 2004:410). Their dismay surfaced on the issue of army High Security Zones (HSZs), considered by the LTTE an 'unfair and unjust occupation of Tamil lands' (ibid.:434-439), which they hoped would be evacuated or redefined to allow for the return of IDPs and refugees. However, the ceasefire observers judged that a dismantling of the HSZs would disturb the military equilibrium upholding the CFA, and progress in the remaining rounds (before the talks were suspended) was largely blocked due to this controversy (ICG, 2006:7).

While the Norwegians saw the Oslo Communiqué on federalism as 'one of the most important outcomes' (interview, MFA official), the LTTE felt that the GoSL and the third-party compensated for a lack of improvement in ground conditions by 'over-emphasising' the decision to explore a federal solution (Balasingham, 2004:x). After un-expectantly having suspended further talks (ICG, 2006:8), the Tigers reiterated their irritation with deliberations on a political settlement instead of dealing effectively with what was to them the *real* situation, namely 'the harsh realities of a suffering population who yearn to experience a sense of peace, normalcy and decent life' (Balasingham, 2004:457). But, also the government's infuriation was growing, especially in relation to safety measures: '[The GoSL] felt that the LTTE did not deliver what it had promised in terms of security; there were rumours that the LTTE was establishing new camps while the talks were going on.' (interview, MFA official)

When the parties met again for face-to-face discussions in February 2006, not only the government and the President in office had changed; so had the enthusiastic tone and motivation from the initial phase. On the opening day of the session, both sides read out

long lists of ceasefire violations for which the other side was blamed (BBC, 2006b). Surprisingly then, when summing up the meeting, Solheim admitted that though the discussions had been 'hard, tough and realistic', confidence had been built, and the outcome was 'above expectations' (BBC, 2006b – quoting Solheim). Analysts concluded that the meeting reaffirmed the commitment of the two sides, as the joint decisions represented vital compromises; while the LTTE 'suspended its policy of militarism', the new government demonstrated 'ability and willingness to engage with the LTTE' (CPA, 2007:7). One GoSL delegate said that the talks had 'stabilized the peace process' (TamilNet, 2006a – quoting Bogollagama), whereas the Tigers called the GoSL assurance to disarm all paramilitaries in army-held areas a 'diplomatic victory' (BBC, 2006b – quoting Balasingham).

However, the practice of reaching impressing agreements *in word*s without these leading to manifest action on the ground continued. Special envoy Hanssen-Bauer reasons that 'Geneva I may have been too successful, as it is doubtful whether the Government was able to fulfil its pledges' (interview, 30.03.07). Another representative of the third-party believes that the need to neutralise Karuna 'was the only reason' the LTTE attended the talks (interview, MFA official, 30.03.07).

Norway tried to maintain intensity in the third-party efforts also in the later stage of the process (with its special envoy visiting Sri Lanka seven times in 2006), but halfway into the year there was no longer 'room for a Norwegian initiative in the peace process' (Daily Mirror, 2006a – quoting Solheim); the LTTE's refusal to show up for talks *after* having arrived in Oslo in June for discussions with the GoSL on SLMM issues (citing 'status reasons') was a serious smack on the facilitator's standing (CPA, 2007:8). Solheim stated that the parties had neither 'listened to our advice' nor 'used the opportunities we have created in the recent months' (Aftenposten, 2006b). Norway had shortly before sent 'an unprecedented letter' to the Sri Lankan President and the LTTE leader, asking hem to explicitly reaffirm their commitment to the peace process (Aftenposten, 2006a).[43] Ironically, five months later Sri Lanka sent a similar letter to the facilitator, inquiring about the status of the peace process. 'We want a clarification from the Norwegians if the peace process is still ongoing', a GoSL spokesman told the press (Aftenposten, 2006d) – displaying openly the confusion surrounding what was still an officially ongoing peace process under conditions of enmity and war.

At Geneva II in October 2006 the task was basically to rescue the peace attempt by trying to bring the many ceasefire violations to a halt. For the first time in the process "all" agreed that the meeting was a failure. '[N]either side were sincere about peace negotiations and neither of them made efforts to honour pledges made in the earlier rounds' (BBC,

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[43] Both sides eventually replied affirmatively to the questions posed.

2006e). The fronts were "sharp-edged" and the spirit 'not as before' (Interv., MFA official). Thus, a renewed reliance on militaristic agendas had outmanoeuvred the peace mood of negotiations and non-violent politics. In the bloodshed that followed, civilians in their hundreds were killed, maimed, and displaced. Solheim stated that he was 'extremely disappointed' that the parties were not honouring their only pledge from Geneva II – 'to refrain from launching any military offensives' (BBC, 2006g – quoting Solheim).

In the declining circumstances, both parties repeatedly expressed disappointment that the facilitator did not criticise harsher the other side. The Foreign Minister said that if Norway were unable to tackle the lack of democracy in LTTE-held areas, 'it should step aside and leave the place to others' (Ny Tid, 2005b – quoting Kadirgamar), and also scholars charged that the third-party acted too passively vis-à-vis the many brutal acts of violence committed by the LTTE (Ny Tid, 2005a).

One lesson learned by the Norwegians is that they should have restrained the parties more in order to secure a better match between words and deeds. A critical shortcoming was also the lack of a bright focus on the internal capacities of both sides to effectuate necessary changes in their respective administrative and political structures. As assessed by Helgesen (2007:16), the facilitation should 'have been more sharply focused on much needed reform agendas as part of the architecture of the peace process both within the Sri Lankan state and within the LTTE.' On peace diplomacy in general he concludes that '[t]he desire to rush towards results and have a rapid impact may be detrimental' (ibid.:19).

While Geneva I was at first seen as a sign of success, the disregard for the accord agreed upon and the unsuccessful attempts at conducting a sound dialogue, first in Oslo in June and then again in Geneva in October, 'undermined even the minimal trust and confidence that existed' (CPA, 2007:2,7). The same report concludes that the disputants "played along" mainly to score political points against each other (ibid.:1f). One (unnamed) GoSL negotiator summed up the process like this: 'They say we can't be trusted, that we've failed to deliver too many times. And I have to admit, they are right.' (ICG, 2006:23) No similar remark resembling anything like self-critique is heard of from LTTE quarters so far.

Aspects of inclusion and exclusion

Ever since the Thimpu talks (ref. ch. 2), attempts at resolving Sri Lanka's civil war non-violently through an initial cessation of hostilities and subsequent negotiations have involved two sides – the GoSL and the LTTE. This reflects the ground situation that has prevailed in the course of the conflict, where state forces (assisted by a few anti-LTTE Tamil paramilitary groups) and the Tigers have been the two actors fighting each other on

the basis of controlling territory and the means of violence.[44] Hence, also the latest process was exclusively focused on two parties, and the rationale behind this format is essentially that 'one has to deal with the war situation first' (interview, MFA official). However, this narrow bipolarity has been questioned on grounds that the two-party dialogue exhausted its capacity to take the process forward and that the inclusion of other parties thus became 'a necessary political challenge' (Uyangoda, 2005a:6). But for the third-party no alternative was in sight: 'The warring sides did not envisage other parties [being included], especially not the LTTE; to them, there were two parties at war, and thus two parties to the CFA – consequently, there should be two parties in the negotiations as well.' (interview, MFA official) International Crisis Group endorses this reading of the situation: 'Attempting to deal with conflicts among Tamil political groups would have ensured LTTE refusal to negotiate; similar attempts to negotiate among Sinhalese parties and players would have probably derailed the process completely.' (ICG, 2006:16)

Among the many actors allegedly excluded by the bipolar approach was Executive President Chandrika Kumaratunga. Even though she was the one who had invited Norway in the first place, she remained, in effect, an "outsider" to the peace process for as long as it had momentum (CPA, 2007:17). Evidently, the President and the Prime Minister had no confidence in each other: '[They] were bitter enemies, both politically and personally […] Ranil feared that if he engaged the President fully, she would destroy it all.' (interv., MFA official) The strained relationship impacted on what could be achieved: '[This] debilitated the peace process to such an extent that any realistic progress was virtually impossible.' (The Hindu, 2006 – quoting Peiris) When the President got "involved", it was by declaring a state of emergency and taking over three ministries – thus 'precluding any possibility of peace talks resuming around the [Tigers'] ISGA proposal' (Goodhand and Klem, 2005:108).

So, the Premier and his government are pinpointed by those who see the President's distance to the process as a matter of 'being excluded': 'Wickremesinghe seems to have done little to bring Kumaratunga into the peace process' (ICG, 2006:13). The Norwegians express more doubt as to whether the President's status can be called a matter of exclusion: 'Solheim systematically kept the opposition, including the President, updated on the developments in the peace process. On every single trip he informed them about the latest steps taken.' (interview, Hanssen-Bauer) Accordingly: 'I don't think it's fair to say that the President was bypassed […] One has to look at the political situation at the time.' (Interv., MFA official)

The fear of a backlash due to the bad relations between Chandrika and Ranil was not unfounded; the President expressed dissatisfaction with the direction of the talks on several occasions and dropped many unflattering comments to the media on how the third-

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[44] Others groups have been (and are) using violent means as well, but in scale this is not comparable.

party performed its role. As a well-reputed (Tamil) columnist noted in an independent weekly, 'Kumaratunga's attitude towards Norway has been deplorable. After the pre-ceasefire sidelining of Solheim, Kumaratunga went after Ambassador Westborg. […] She has […] called the ceasefire illegal thereby implicitly accusing Norway of a great offence.' (Jeyeraj in The Sunday Leader, 2003) The writer concluded that if the President had been actively engaged, then 'such a ceasefire may not have been possible' (ibid.). Thus, it is matter of dispute whether President Kumaratunga's position vis-à-vis the peace process was a matter of *being* excluded or rather was the outcome of a self-regulated and willed act of excluding *herself* from matters she for some other reason did not want to be associated with.

According to the LTTE's chief negotiator Norway's Deputy Foreign Minister, in October 2002, 'played down' the co-habitation crisis in Colombo with reference to Ranil's parliamentary majority and international pressure on the President to work constructively with the Premier. However, Helgesen's optimism 'did not impress' Prabhakaran, reveals Balasingham (2004:386). This indicates that Norway at the time expected, or at least hoped for, a positive effect on the process from international players, i.e. that steps taken by other countries would somehow help consolidate and secure the strive towards peace.

Other political elites largely excluded from the process were LTTE-critical Tamil politicians as well as leaders of more fundamentalist Sinhalese-nationalist parties. This does not mean that no attempt was made to engage these actors; the JVP and the JHU ignored several requests for a meeting by Norwegian diplomats (Frydenlund, 2005:21). However, the situation of the Muslims received particular attention, as the CFA brought little progress and relief to everyday life in the East (Philipson and Thangarajah, 2005). The argument that Muslim leaders should have been brought in as 'co-owners' of the peace process has thus been stated (Ferdinands et al. 2004:ii). Muslim Party leader (and GoSL Minister) Rauf Hakeem instead struck a separate deal with LTTE-leader Prabhakaran (Goodhand and Klem, 2005:106f). Muslim politicians also sought assurances from the GoSL, and the "solution" found was that the GoSL included Hakeem in its delegation to the talks (as a government rep). This halfway compromise seems to have yielded only limited success, as Hakeem was politically weak and had a difficult task in representing the Muslims in the negotiations (interview, MFA official).

The terms and conditions of the CFA were a challenge also for Tamil minority parties and individuals opposed to the Tigers since the agreement left 'non-LTTE Tamil groups even more marginalised and at personal risk than before' (ICG, 2006:13). The main faction of Tamil parliamentarians got round this threat by uniting under the TNA (Tamil National Alliance) banner and accepting that the LTTE represented the Tamil community in

the peace talks.[45] Thus becoming the LTTE's somewhat "weak arm" in parliament, the TNA played a no unimportant role outside the official negotiations. The Tiger leadership openly supported the TNA in the 2004 elections (which gave the alliance 18 seats in parliament) and 'has held regular consultations with TNA MPs since then' (Stokke, 2006:21).

A special situation emerged when the LTTE's Eastern commander in 2004 defected with a group of well-trained cadres (ref. ch. 3). Karuna had participated in the peace talks in 2002-2003 as one of four LTTE delegates; he was as such indeed included in the process till the day he broke out. After his defection, the LTTE wanted the faction to be treated as any other paramilitary group, which, under the CFA, should be disarmed by the government. The GoSL, on its part, while accepting the LTTE's disarmament demand at Geneva I, in reality looked away and pretended it knew nothing about Karuna and his new sites, often set up in close proximity to army camps (Times Online, 2006). The split became 'a major obstacle in the peace talks' (ICG 2006:9) by not only tipping the military balance in favour of the army (CPA, 2007:9) but also undermining the Tiger's claim that they represent all Sri Lanka Tamils (BBC, 2006c). Developments in 2005 and 2006 indicate that the present government wants to 'install' Karuna as 'a puppet ruler' in the Eastern Province (The Guardian, 2007). If succeeded, this would only subject those communities to another regime with scant regard for democratic governance (Hattotuwa in Himal Southasian, 2006).

Unprecedented in the latest process was the involvement of not only Norway as official facilitator but a whole range of other countries and regional actors in supporting or constraining roles. The stage had shifted from the Sub-Indian continent to an international arena (Balasingham, 2004:375). Yet, the role of South-Asia's biggest country remained vital, as Solheim confirmed in an interview as early as 2001: 'Without India we'll not be able to achieve anything [...] India has, naturally, a much better insight into the conflict than we could ever dream of attaining, and we've consulted and informed them all along.' (Kollstrøm, 2001 – interview with Solheim (separate attachment)).

The presence of "outsiders" seems to have been a deliberate strategy of the GoSL at the time; Wickremesinghe wanted international players as "guarantors" of the peace try. As stated by one of his ministers before the violence soared: 'The [continued existence of the ceasefire] is purely because of the international safety net that we managed to muster. If not for that by now we would have reverted back to war.' (TamilNet, 2005 – quoting Moragoda). Also the LTTE, at least initially, expected that external involvement would be beneficial; Prabhakaran told in October 2002 that Norway and other countries 'had a moral responsibility to address and resolve the major humanitarian tragedy of the displaced

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[45] This at the same time increased the risk of being targeted by the security forces and state-loyal para-militaries, as shown by the assassinations of two TNA MPs in 2005 and 2006 respectively (ref. ch. 3).

population' (Balasingham, 2004:386). The expressed belief in keeping the international community engaged was a remarkable shift from earlier stands, as the Sri Lankan conflict has been virtually 'insulated' against foreign (diplomatic) involvement – 'mainly at the behest of the Colombo government' (Mitchell, 2003:82).

In an early phase the parties had agreed to jointly address humanitarian needs in the war-torn areas first – and then only move on to issues of power-sharing and constitutional reform. But, the discussions on humanitarian and development issues necessarily brought up delicate questions of authority and responsibility, which unavoidably led to the political question of power-sharing (Stokke, 2006:15). This contradicted the expectations of the Tigers, who eventually criticised what they felt was an 'excessive internationalisation' of the process (Balasingham, 2004:400). So, while the GoSL and Norway, as well as other states, were happy with the increasing participation of international actors in framing and structuring the peace process, the LTTE's enthusiasm for the same was waning.

The LTTE's distrust in a too internationalised process was fully revealed in the run up to and aftermath of the donor meeting in Washington on 14 April 2003 (a preparatory session for the bigger Tokyo Donor Conference planned for June that year). Prabhakaran and other LTTE leaders were allegedly 'upset' when they understood that the proscription of the organisation in USA prohibited the it from attending the meeting; the Tiger supremo felt 'humiliated' and considered the exclusion 'unacceptable to an organisation representing the Tamil people and seeking to enjoy equal status as a party in negotiations' (ibid.:430). The Tigers' official statement, released on 4 April, said that the LTTE was 'disappointed by its exclusion' from the meeting, as the two parties had agreed to an 'equal and joint partnership' in the peace process (ibid.:431). A new statement a week later elucidated the LTTE position: '[This] is a grave breach of good faith. We are deeply disappointed that the [government] and Norway […] have failed to ensure the LTTE's participation […] by not selecting an appropriate venue […] it is only fair and just that the authentic representatives of the Tamil people should have been invited […] to articulate the interests and aspirations of our people.' (ibid.:433)

Interestingly, Norway's Deputy Foreign Minister did not mention the LTTE's absence when he delivered his talk on the peace negotiations at the Washington conference; instead he presented a moderately optimistic account on the status of the process, citing implementation efforts and the parties' progression into 'substantive and complex issues' as good signs. Somewhat paradoxically, given the LTTE's actual non-presence, he also claimed that 'when it comes to finding a political settlement to the conflict, the two [the GoSL and the LTTE] are equally important' (Helgesen, speech, 2003).

The Tigers referred explicitly to its exclusion from the Washington meeting when they withdrew from new rounds of peace talks. While this has been read more as an excuse than an explanation (ICG, 2006:8), Balasingham, in a comprehensive letter to the Prime Minister on 21 April 2003, used the expression 'exclusion of the LTTE' no less than four times, all of them referring to the Washington seminar (Balasingham, 2004:434-439). Ranil seems to have taken the matter seriously, replying that there were two main reasons for the choice of venue: This would enable the gathering of major donors attending meetings of the World Bank and IMF, and it was important to obtain commitment of these actors 'before their attention was absorbed by the needs of Iraq'. He expressed 'regret' over the fact that the LTTE could not participate, and stated to Balasingham: 'you will appreciate that the Government cannot be blamed for this situation'. (ibid.:443 – quoting SL Prime Minister Wickremesinghe's reply letter of 29.04.2003).

Still, the LTTE followed up on its critique. In a new letter to the Prime Minister, Balasingham alleged that important international and regional players continued to treat the LTTE 'shabbily as a proscribed entity with a 'terrorist' label' (ibid.:450). The Tigers eventually "proved" its dismay by boycotting the bigger Tokyo Donor Conference in June – a decision which caused hectic diplomatic activity; the third-party tried its level best to persuade them to attend the summit, but was unsuccessful (interview, MFA official). The LTTE response to the Tokyo outcome was predictable: 'The […] government, with the active assistance of the facilitator and its international 'tactical allies' has formulated this strategic paper to super-impose its own agenda on the LTTE. This is unacceptable to us. (Balasingham 2004:460).

It was at this stage Norway, Japan, the EU and USA constituted themselves as the "Tokyo Co-Chairs" to jointly monitor the progress in the peace process and advise on how much of the pledged donor assistance that should be disbursed. Also the role played by the Americans in this group was helpful, one official argues: 'I think one has to put international pressure on the parties should anything come out [of the process]; it won't occur by itself or because of Norway's little encouragement.' (interview, MFA official) International Crisis Group both agrees and disagrees: '[The presence of Washington] has helped make the co-chair mechanism more acceptable to some in the Sinhalese community. Some European diplomats, however, are uncomfortable with the more hard-line U.S. stance, suggesting that the global "War on Terror" rhetoric is unhelpful in the Sri Lankan context.' (ICG 2006:19) Unsurprisingly, Tamil observers endorse the latter reading of the situation: '[The] condemnation of the Liberation Tigers' armed struggle as 'terrorism' is a political act, not [a] moral truth' (Tamil Guardian, 2007).

The Tigers have not been totally alone in criticising the role of the international community in the process. The *Strategic Conflict Assessment report on Sri Lanka*[46] found that the peace process was increasingly formed by priorities and timeframes that suited the foreign actors more than they suited the protagonists, and the evaluation concluded that Norway and the other co-chairs should have paid more attention to and incorporated the views of other Asian actors (notably India) – thus allowing for a less Westernised process to evolve (Ny Tid, 2005c). Whereas the need for international legitimisation of any political entity the LTTE may achieve is patently obvious, the GoSL is being both pressured and assisted by the international community. That is, while rhetorically not only the LTTE but also the state has been called to end the violence, 'it is unclear as to what is happening behind the scene and whether key powers, including India and the US, are adopting more ambiguous positions with regards to putting pressure on the GoSL' (CPA 2007:11).

Equality and status issues

In the latest process the Tigers were not merely the state authorities' *single* opponent; they insisted on being the government's *equal* negotiating partner as well (Philipson and Thangarajah, 2005:24). This self-image, as a full-fledged counterpart to the GoSL, seems crucial in the movement's campaigning for legitimacy and Tamil nationalism hegemony. And, the LTTE has to some extent succeeded in attaining the position of 'sole representative' of Sri Lanka's Tamil community, particularly in matters relating to peace (Uyangoda, 2005b:11).[47] A premising argument for this position is that the Tigers, through courage and discipline, have "sacrificed" several thousands cadre for the sake of "winning back" the homeland (ref. ch. 4). Successive Sri Lankan governments can be said to have contributed to sustaining this narrative by acting, throughout the conflict period, as leaders of first and foremost *the Sinhalese* (Nadarajah and Sriskandarajah, 2005:92).

Norwegian viewpoints indicate that both the sole representative claim and the equality demand put forward by the LTTE were more or less fulfilled for as long the process "worked" and made progress: '[T]he government accepted the LTTE's claim of being the representative of the Tamils. This point did not appear as particularly difficult; the government representatives sensed that any reluctance on their part to this demand would be a "non-starter".' (interview, MFA official) The CFA, committing and judging the two as counterparts while stating respect for existing frontlines, was an important instrument in this

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[46] A six-volume report commissioned by Asia Foundation, the World Bank, and three European countries.
[47] The foundation (in terms of hard power) of this position is mainly the result of the use of force against external as well as internal "traitors". Yet, the status as 'sole representative' does not derive directly from this real power base; it is mediated and eventually granted on the basis of a qualitative assessment where additional criteria such as credibility, dedication, discipline, and predictability etc. also count.

regard, as it institutionalised 'an equal relationship' between the parties in the context of negotiations (interview, Hanssen-Bauer). Furthermore, the parity of status conveyed that the GoSL *alone* could not make a claim to the island's territory; its equivalent could make a parallel claim. In fact, with the 2002 ceasefire agreement, Sri Lankan state authorities for the first time officially acknowledged that a rebel group was in control of part of the country (since long a reality) (Goodhand and Klem, 2005:32).

Yet, one critical obstacle to negotiations remained even after the CFA, namely the GoSL's listing of the LTTE as a terrorist organisation. As Norway's special envoy recalls, removing this ban 'was an absolute precondition for the LTTE', as it wanted recognition as a party to the conflict (interview, Hanssen-Bauer). By lifting the ban 12 days before the first round of talks, the GoSL took a critical step to effectuate direct communication between the two sides while at the same time demonstrating that *equality*, as a procedural principle, would primarily be a "cost" on the part of the government: 'We were preoccupied with treating the parties equally in the negotiations. A condition was that the government accepted it – we depended on its understanding that this was important for the LTTE […] The government could, if it wanted to, find ample reasons for why it would not accept equal treatment with the LTTE. The UNP-led government showed statesmanship in this regard.' (interview, MFA official)

While negotiations between a state and a non-state actor often favour the former because of its easier access to international bodies and experts etc. (Goodhand and Klem, 2005:73), it seems that the LTTE in this case, at least in the early phase, gained more in legitimacy and status from an "egalitarian" facilitation process than the GoSL. Actual asymmetry in terms of hard power and resources (in favour of the GoSL) was somewhat mediated by the symbolic parity displaced. Delegates of the LTTE actively and purposely contributed to this "balancing exercise" while abroad by holding meetings with ministers and other high-ranking officials with the same easygoingness *as if* they themselves *also* represented an internationally recognised authority. Consequently, as southern opinion leaders voiced stronger opposition to the peace process, it became ever more difficult for the GoSL to make concessions to a rival perceived by most Sinhalese to be morally inferior.

With a new government in place from 2004 (and re-elected in 2005), its stance on equality and LTTE representative-ness radically changed: 'The nihilism of the LTTE is one of the primary causes behind the deprivations and sufferings being undergone by the Tamil people. These are not the attributes of the "authentic representative" or the "sole protector" of the Tamil People.' (GoSL, 2006) This and similar sentiments indicate strong resentment to seeing the LTTE as anything near its equivalent: 'The Tamils have a problem and we accept that. But to solve it we don't have to talk only with Prabhakaran […] The country has

nothing to lose by trying to flush out terrorism.' (Daily Mirror, 2006b – quoting GoSL spokesman Rambukwella) Possibly as a response to the new, devaluing signals from Colombo, the LTTE in June 2006 refused to meet GoSL representatives (*after* having arrived in Oslo), citing inequality or status disparity in that the adversary team 'did not include any senior […] figures' (TamilNet, 2006c). The message of the current president, after more than a year of intense fighting that has buried all hopes that the peace process will revive soon, is hence devoid of any hints at equality: 'The Tigers must take up our solution and lay down their arms […] You can negotiate with people but not with terrorists.' (BBC, 2007b – quoting SL President Rajapakse)

So, attitudes towards the LTTE on the government side changed drastically with Rajapakse assuming power, as his approach was markedly different from his predecessor's (ICG, 2006:10). In particular, the new government 'does not want to be treated in the same manner as the LTTE' (interview, MFA official). The previously upheld symbolic parity came, in consequence, under repeated attack in 2006 (CPA, 2007:7). New policies of institutionalising *separate* political and administrative arrangements for the Northern and Eastern Provinces can be seen in this light. Sri Lanka's independent think-tank interprets this as an attempt by the authorities to 'decisively puncture' LTTE pretensions of being the representative of the Tamil people and 'strike a mortal blow' against the homeland concept that has united most Tamil groups and politicians since the onset of the conflict (ibid.:3).

The methods used by the LTTE represent a constant test of the organisation's representative-ness. The GoSL peace secretariat accurately condemned as 'despicably barbaric' an *alleged* LTTE attack on a civilian bus on 15 June 2006 killing 64 men, women and children on their way to attend a funeral (GoSL, 2006).[48] But, recognising the link between the LTTE's methods and its hard-won recognition is not to deny that also state forces reveal cold-bloodedness and sheer disrespect for human life when bombing areas where civilians are known, with certainty, to be present. An example is the air attack on 14 August 2006 killing 53 Tamil girls aged 15-18 attending a residential first-aid course, which LTTE officials called 'a horrible act of terror' (TamilNet, 2006d) – also a description no one can sincerely oppose. But: an insurgent group using terror methods readily deprives itself of legitimacy whereas its state opponent 'easily wins the stamp of approval of the international community […] faces less harsh international reactions against the disproportionate use of force [and] is increasingly lent supportive action in the form of the rebels being listed […] as terrorists' (Helgesen, 2007:11). Still, from an LTTE (and Tamil) point of view, the issue of method issue remains essentially this: 'When civilians die, what is the moral difference between a bomb delivered by truck and one dropped by a jet?' (Tamil Guardian, 2007)

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[48] Also the LTTE condemned the attack 'in the strongest possible terms', ref. TamilNet, 15.06.2006.

The increasing pressure on the LTTE from the outside world in 2006, demonstrated by Canada's and the European Union's proscription of the organisation, only furthered the drift away from equality and LTTE representative-ness. Even if anti-terrorist legislation has begun to put pressure on the Tigers (ICG, 2006:19) and their fundraising was 'seriously hampered' by the new bans (The Washington post, 2006) – which in isolation might look like steps towards less war and more peace – the international community's influence was, at the same time, 'circumscribed' by the latest proscriptions (CPA, 2007:4). Thus, so far it looks like Balasingham's prophecy from May 2006 will earn its credit: 'The more the international community alienates the LTTE, the more the LTTE will be compelled to tread a hard-line individualistic path.' (TamilNet, 2006b – quoting Balasingham)

Helgesen argues that '[o]nly if foreign states are themselves willing to engage with terrorists, can they have enough credibility to insist that the government in conflict should negotiate' (2007:13). Accordingly, the EU ban on the LTTE has been described as 'a badly timed and stupid move' since, irrespective of the terror-listing, the EU 'still urges the new government to go on talking. So does the US, in spite of its war on terror' (The Guardian, 2007). These remarks capture well the view of the third-party on the matter: 'The EU's ban has not been helpful. I believe they all the way thought that *even* if we terror-list the LTTE, perhaps we can still, one way or the other, keep up the contact with them […] They never thought that perhaps the LTTE would then no longer be interested in keeping in touch with them.' (interview, MFA official)

The LTTE did not take the new proscriptions lightly. Shortly after the EU ban was enacted, the Tiger leadership informed that it wanted all ceasefire observers from Denmark, Finland, and Sweden excluded from the monitoring mission (ref. ch. 2). 'The LTTE feels that it is not able to continue operating with countries that have listed the LTTE as terrorists', the Norwegian Ambassador told reporters (Aftenposten, 2006c). Essentially, the new prohibitions were seen by the LTTE as interference in the parties' "mutual recognition pact" inasmuch as they condemned only one party (interview, Hanssen-Bauer).

The GoSL's long-standing policy, probably for legitimacy and status reasons, of not allowing foreign diplomats to engage with the LTTE has led to many miscalculations by the Tiger leadership which have entrenched the conflict. It is likely that the EU ban has only 'added to the isolation' and exacerbated such miscalculations (Helgesen, 2007:11). Guelke observes that the weaker the credibility of international norms, the more likely it is that the outcome of a conflict will be determined by the balance of forces, and that the international community in such situations is more or less 'compelled to recognise (and thereby legitimise) whatever has been created on the ground – even if violence has played a large role in its determination' (Guelke, 1998:188).

6.   ANALYSIS AND DISCUSSION

This chapter discusses the significance of dialogicality, inclusiveness, and equality in the peace process in relation to the relatively abstract theory of discourse ethics and the more explicit principle of real moral discourse (RMD). Elements from some of the other theories on which the study is premised (ref. ch. 3) are referred to occasionally. As the empirical review brought to light major variations in the characteristics of the peace process in its different stages, and also pointed to a certain interconnectedness between the three aspects (ref. ch. 5), the presentation format is here reversed compared to that of the previous chapter, i.e. the first part of the analysis is structured chronologically so as to make it possible to discuss the three categories more or less jointly. The peace try is, accordingly, divided into three stages – the initial, productive phase marked by concessions, the languishing and deteriorating phase marked by a growing discrepancy between agreements and actions, and, finally, the disintegrative phase in which military activity increasingly replaced a dialogical approach with war. The communicative quality and levels of inclusiveness and equality in each of these phases is examined in turn. Thereafter the broader questions of whether the Norwegian-led process represented a discourse-ethical approach to peace, and the degree to which the moral aspects under scrutiny can explain the lack of tangible results coming out of the peace process, are addressed.

Discourse ethics sees morality as a rational, dialogue-formed consensus that is based on reasonable grounds. To arrive at 'morally tenable results', a basic *in principle* equality or symmetry between the actors is presumed. That is, the participants' arguments are, as a point of departure, considered *equally* important (if not equally valid), since the representative-ness and status of the partaking actors, as rational subjects in a free (non-coercive) discourse, are levelled from the outset. In addition, the morality arrived at should ideally be defined by all possibly affected (ref. chapter 3).

The principle of real moral discourse (RMD) adds to discourse ethics a "factual" dimension to ensure the dialogue pursued to a sufficient degree takes into account the participants' contextual understandings. RMD highlights the importance of *reasonableness*, and attitudes or actions that for some (good) reason are deemed unreasonable might justify exclusion, which in real situations is "unavoidable". Ability and readiness to define the conflict as a *shared* problem is critical. RMD argues that a conflict resolution process can generate *plausibly* correct moral solutions if the dialogue conducted identifies the most pressing aspects of the problem and at the same time eliminates those resolutions that are clearly inadequate or wrong. Everyday intuitions are seen as relevant, as the moral domain is not delimited to the pure sphere of justice (ref. chapter 3).

The (optimistic) <u>conceding</u> phase – from 2000 to March 2003

The first years of the peace process were, undoubtedly, the most successful part, during which both sides made several important concessions. The key events upholding the peace process in this phase were the reciprocal ceasefire acted out from December 2001, the formalising of this through the signing of the CFA two months later, and the ensuing six rounds of talks, commencing in September 2002 and ending in March 2003. The most surprising and potentially decisive outcome was the decision to explore a political solution along federal lines, which was presented after only three rounds of talks. The effective dialogicality which these outcomes tell about can be related to a number of factors.

The parties' interest for substituting dialogue for war seems to have been genuine. While it is probably exaggerated to claim that the parties (all of a sudden) considered it a moral obligation to work for peace, the ground condition, marked by military stalemate and low anticipations that the war would actually lead somewhere, obviously inspired a fresh thinking on the whole situation. To some extent, the "endless" war was more and more being considered a meaningless activity. In other words, a slightly more idealist orientation had gained terrain at the expense of realist interpretations telling that a continuance of fighting war necessary and purposeful. Thus, when the talks got underway, the ambience surprised the Norwegians; there were not only decent politeness but also forthrightness and impatience to finding mutually acceptable solutions.

While a certain desire for peace must have been prevalent on both sides, it is likely that this wish, at least initially, was stronger on the government side than within the LTTE. The UNP's election triumph was based on a pledge for peace, and the new administration had therefore much to prove. For the Tigers, however, the difficulty with entering a peace mode hinged on the fact that their status largely depends on war, and this position would right away be challenged if the group were to rely on a different legitimisation mechanism. A process design that purposely and visibly stressed the parties' equality seems to have done much in compensating for the LTTE's more or less "inherent" fear of peace. That is, the parity of status in all probability secured its commitment to pursuing dialogue at this stage. Obviously, a crucial prerequisite for this to happen was willingness on the part of the GoSL to make the necessary concessions that would increase the LTTE's standing. This attitude on the part of the new government, plainly called *statesmanship* by one of the Norwegians (ref. ch. 5), bears witness to a strong wish for peace and a clear realisation that status, at least in the Sri Lankan context, matters. The milestone on the "concession route" was the GoSL's de-proscription of its "terrorist" enemy a few days before the negotiations began. This move not only levelled the disputants in legal terms; it restored dignity and self-respect

among the LTTE leaders by somehow endorsing their carefully built self-image as just representatives of the Tamil nation. Thus, the de-proscription gave the Tigers an equal position with the GoSL also in moral terms and reduced the risk that the LTTE would interpret its opponent's attitudes and viewpoints as a form of moralism on the part of a better/righter party. At the same time: Halting the war, as already agreed to, was probably, given the fact that fighting state authorities is what armed rebel groups *do*, also a major concession on the part of the Tigers – at least as seen from their perspective. Usually not held accountable to the same degree or standards as authorities with a popular mandate, consenting to an impermanent break in the war while exploring opportunities for peace, even if military advantageous at times, is quite likely understood, by many insurgents, as the second biggest concession they in fact can make next to admitting defeat and disarming.

Thus, the very format of the process seems to have played an important role in the initial phase, contributing to unexpectedly quick results, such as the CFA in February 2002 and the agreement on federalism as a frame for a future solution. Both discourse ethics and the RMD principle emphasise precisely *procedure* – especially the inclusion of all relevant actors in joint communicative efforts which position the parties as equals. While the level of inclusiveness raises its own questions (ref. below), nowhere was the equality criterion as clearly assured as in the CFA. The agreement portrays the parties as counterparts, and by signing it, the GoSL officially admitted for the first time that another entity was in territorial control over parts of the island. What is more, the document "protected" this division, i.e. the frontlines were to be respected till such time that a political solution had been found. The CFA thus refuted the most exclusionary accounts of Buddhist-Sinhalese nationalism, namely those versions projecting the island as a chosen or righteous land for ever to be preserved by the Sinhalese. The land held by the LTTE at the time of signing the CFA by no means equalled the imagined *eelam* in acreage; however, the backing for land control *per se* no doubt represented an eloquent (if reduced) *analogue* to the crucial homeland idea (ref. ch. 4). Hence, also in this way did the equality principle tie the Tigers to the peace process and the CFA; not merely the LTTE as an organisation but also a key component of its nationalism was honoured and "proven" by the parity of status upheld at this stage.

While the formal inclusiveness of the process did not meet the central discourse-ethical requirement that *all* affected should have been involved, the approach followed *did* its job in terms of halting the war and bringing the parties to the negotiating table. As assessed by not only the third-party (ref. ch. 5): any broader participation would almost certainly have ruled out both the CFA and the following rounds of talks. And even if the President felt excluded and at times criticised the process (and Norway) harshly, she never used her executive powers to interfere in the government's peace efforts *as long as the*

negotiations were on and progress was made. With "only" the Prime Minister in charge on the state side, an important ceasefire *did* come into effect (easing the everyday burdens of thousands of people) , a wide-ranging CFA *was* signed (institutionalising a break in the war, constraining the war mentality on both sides, and giving the mandate for an unprecedented international ceasefire monitoring mission to the country), and talks *were* undertaken (leading to e.g. a joint statement on federalism, by many considered the "correct" and only realistic goal of efforts aiming at a peaceful Sri Lanka). The much longed-for pause from hostilities and the immediate after-effects of the CFA were beneficial to the vast majority of Sri Lankans. Thus, from a purely pragmatic point of view, the actual level of inclusiveness, which left the President on the "outside" (though briefed), must be judged appropriate; it is hard to argue that any *reasonable* concerns of Kumaratunga (or any other excluded party on the Sinhalese side) were neglected by the steps taken by the GoSL (or Norway) at this stage. This relates to the down-to-earth quality of the RMD principle, which defends exclusion in cases where true-life circumstances curb the possibility of pursuing a meaningful dialogue with a broader/more ideal participation. The bipolarity at this crucial stage of the peace process was, in other words, defendable, as it reflected a matter-of-fact obstacle and was on the whole compensated for by a sound decision-making process which, based on an open dialogue, produced non-exclusive solutions generally reflecting the common interest of all. A question mark must be put for the Muslims, though. Considering the vulnerability of this community (given the exclusivist character of the Sinhalese and Tamil nationalist projects), it is uncertain to what extent its cultural (religious) needs were recognised, and more explicit safeguards protecting Muslim interests had thus better be included in the CFA.

While acceptable or satisfactory on instrumental-strategic grounds (that it somehow "worked"), the argument can be made that the inclusion of only the GoSL and the LTTE was also correct *in principle*, i.e. as seen from a moral or rightness-related point of view. Authority, powers, and representational responsibilities within a state that is based on the model of constitutional democracy are normally defined and well regulated (as this is basically what a state *is* and why it was formed in the first place). Also when the matter is peace, or how to reduce the problem of war, the roles to be played by the President, the government, and the opposition, respectively, are assumedly already delineated and settled by and within the state apparatus itself. It is hard to see why this role-defining should be part of the process of working out explicit agreements between two warring sides (the state's forces on the one hand and their rebellious adversary on the other). While also establishing some degree of clarity and predictability of pure instrumental-strategic value, Norway's endorsement of the implicitly given bipolarity configuration can thus be said to have been not only rationally smart but also objectively correct.

Generally, this means that if the principles of discourse ethics are held up as an ideal for diplomatic problem-solving under politically strained circumstances, which Sri Lanka illustrates exemplary, the approach and means applied cannot avoid paying attention to the authority structures which are already in place – especially if these are based on generally accepted and highly regarded norms. This means that the Sri Lankan state's constitutionally inbuilt principles as regards power and representation, which (at least in theory) would tell who should be involved and answerable on behalf of the state in which processes, must be taken as a valid (and thus correct) point of departure. The universal ideal about complete inclusiveness must, in other words, be sensibly and sensitively applied in a manner which does not disregard or undermine well-established, widely regarded, and rationally justified – thus principally correct – political authority structures in the particular context. The Sri Lankan constitution, as this outlines the presidential and governmental functions, must therefore be taken as a point of departure also when tackling the issue of peace. Calls or expectations indicating that both the President and the Prime Minister (and perhaps even oppositional parties or other groups in the Sri Lankan society coming under the purview of , and such *per se* represented by, the authorities) should have had a seat at negotiating table attain, in this perspective, little meaning.

The critique raised on the Sinhalese side against the bipolar approach probably tells a lot about the deficiencies of Sri Lanka's democratic model (e.g. the elitism of political life in general and the appropriation of state institutions to serve sectional interests, ref. ch. 4). The executive presidency model only adds to these problems, especially in cohabitation situations, as it increases confusion and can be unduly exploited when highly contested political issues arise. Steps taken by rivals and seen to go against fundamental norms in the (nationalist) identity base of the majority, can be opposed by exploiting democratic flaws and the uncertainties and weaknesses of the state system itself. This highlights not only the average popularity of Buddhist-Sinhalese nationalism but also its moral claim and worth, which are linked to processes and resources of representation (ref. ch. 3 and 4). This is valid for the Tamils as well, i.e. also the profundity of *their* nationalism is essentially a claim about representation.

In effect, the dissatisfaction expressed with the narrow inclusiveness of the process seems not to have had a strong *principled* basis. It can rather be seen as signalling strong value-affiliation to the nationalism (or "patriotism") platform of the majority as well as, in some cases, also a strong hope that the process would not only bring about a condition of negative peace but would also "repair" the deficits and weaknesses which are already in place and hinder fair opportunities for all and thus a substantial development towards a lasting positive and sustainable peace, i.e. that also the imperfection of the present

representational system (i.e. existing structures and practices) should be tackled *at the same time* as the attempt at stopping the war was undertaken.

As for the Oslo Communiqué on federalism, this decision obviously did not accord with the views of many strict Buddhist-Sinhalese nationalists. The question is, though: Is the absolute rejection of any proposal along federal lines *reasonable*, objectively judged, given Sri Lanka's de facto multiculturalism? It seems not. No details regarding federalism were ever agreed upon in the peace talks – the proclamation only said that federalism is the preferred model to *explore* for reaching a political settlement. As such, also this step of the process seems to have dealt with the concerns of excluded groups in an acceptable way.

So, in this first phase, the communication between the parties in effect shifted from bare war, via shuttle diplomacy (Norway meeting each side separately), to direct, face-to-face talks characterised by *sound* dialogicality. The involvement of only the two warring sides (and the facilitator) seems to have been *appropriate* (and possible right) for the task of silencing the weapons and establishing a provisional condition of negative peace. Moreover, the two parties included were represented in a manner which both, at this stage, found satisfactory; a principal equality was installed, and the parity of status it conveyed was *acceptable* to the GoSL and "*correct*" from the LTTE's point of view.

The (unproductive) drifting phase – from April 2003 to November 2005

The main events justifying the label *drift* on this phase were the LTTE decision to suspend further talks, the furore surrounding the Washington and Tokyo conferences, the President's emergency call and interference in the GoSL set-up following the presentation of the LTTE's ISGA proposal, the Eastern commander Karuna's break with the Tigers, one presidential and two parliamentary elections (all securing victory for the SLFP, bringing in Mahinda Rajapakse as Prime Minister, later as President), and finally, the tsunami, after which the power-sharing aid mechanism (P-TOMS) was never implemented.

The Tigers began to show hesitation even before the negotiations were suspended. Of special concern were the slow pace of the war recovery efforts in the North and the growing involvement and influence of external actors in the process. However, reservations on the part of the GoSL were also growing, especially with reference to the LTTE's no more than modest interest in respecting CFA guarantees relating to security. In effect, the quality of the dialogue in the later rounds slowly but steadily declined. Though contextual, true-life experiences of both sides *were* incorporated, their situation analyses of what counted as the most important issues differed. Neither party seems to have taken the concerns of the other very seriously; both instead focused on their *own* agenda, which defined the areas in which

they primarily wanted to see progress. The lack of "ground action" eventually strained the good atmosphere of the early negotiating rounds and contributed much to the suspension of talks, which also meant that dialogue, as a tool for addressing and settling differences, was no longer to play a key role in the process. The mode of communication shifted from direct engagement at an official, high level back to a tedious shuttle diplomacy, rhetorical letters, and sporadic, low-level meetings where local representatives of the two sides, with limited mandates, would meet to discuss specific instances of CFA violations – usually to no avail.

The first six months of the drifting phase, during which the peace process lost much of its vitality, were thus marked by the lack of a face-to-face meeting place for high-up leaders on the two sides. This does not mean that there were no *occasion* for them to meet; both the Washington meeting in April (if held another place) *and* the subsequent donor conference in Tokyo (wherefrom the LTTE excluded itself) could, in theory, have been conducive in bringing the parties back on a peace track. However, if Balasingham's numerous letters on behalf of the LTTE in this period *and* his later retrospective account (the 2004 book) are not *merely* pure propaganda, the Tokyo opportunity was not grasped first and foremost because the LTTE never "recovered" – morally speaking – from being left out from the Washington event. Prabhakaran read the Washington experience as proof that the LTTE, in the eyes of the world, still was nothing more than a "bunch of terrorists" who, at least once in a while, deserved to be treated "shabbily". After the, in their view incorrect and unfair, exclusion from Washington, the Tigers "struck back" by not attending the Tokyo event (where "all" expected to see them). Knowingly loosing a lot of goodwill by this decision, the Tigers would have calculated that the "punishment" they could inflict on the GoSL and the international community by staying at home counted more, i.e. the advantages of "teaching a lesson" to those pretending to be morally superior were thought to outweigh the drawback of the self-imposed exclusion.

The above interpretation of the Washington and Tokyo events highlights to a higher degree than any other developments in the peace process the close and intricate connections between the three factors under scrutiny. The internationalisation of the peace process, while initially accepted by both actors (wanted by the GoSL; sceptically endorsed by the LTTE), gradually came to represent a challenge to the symmetry that was so manifest in the first phase. The unasked-for exclusion from Washington meant, for the Tigers, that parity of status was not longer guaranteed. Norway's fondness for equality and equal treatment was, at this occasion, apparently not at work. In consequence, when the Tokyo gathering came up as an opportunity that could re-install the previous level of inclusiveness, the LTTE rejected the offer, as their standing had already been scratched. The invitation was read as a conditional offer, invented by those who were now in effective control of matters. *Inclusion*

on whose terms? seems to have been the LTTE's unspoken reply and justification for not going to Japan. Thus, the inclusiveness of the peace process was, in the view of one of the conflict owners, at this stage already distorted. The peace process in 2003, the year it began to crumble, underwent, in other words, a changeover from being internationally *supported* (in a fairly limited and, for the LTTE, tolerable way) to being internationally *steered* (to a level above what the LTTE had expected and was willing to accept). One can thus argue that a compromising of the equality principle, which led to the exclusion of the LTTE from an event considered symbolically significant, in turn made the group exclude itself from another potentially peace-promoting session that, in the end, just prolonged the non-existence of dialogue and confirmed the standstill in the process.

Whether or not it was attempted at some point, behind the scene, to pre-empt in any way (by e.g. reconsidering the venue or making provisions for a minute and/or unofficial Tamil representation) the LTTE's possible (or, in fact, quite likely) feeling of being left out, is not known, but there is little doubt that Norway's foreign policy idealism at times clashes with different, and more realist inspired, conventions and "rules" that apply in international diplomacy. USA, if considered a helpful, perhaps even necessary, partner in the attempt to facilitate peace in Sri Lanka (as indicated by statements from Norwegian officials, ref. ch. 5), would have had much weight in deciding the terms and conditions of the Washington summit, some of which obviously do not match very well a principled egalitarian approach. This raises interesting questions not only about U.S. priorities in South Asia but also about Norway's long-standing foreign policy dependence on this powerful nation. As noted above (ref. ch. 4), the more idealist ("do-good-ist") platform for Norway's engagements abroad, including the role as peace promoter, can be seen as representing a Kantian cosmopolitan position which challenges the conventionally emphasised (but only limitedly debated) importance of maintaining close relations to the U.S. Also in relation to the Sri Lankan process a critical inquiry, based on non-dogmatic reflection, seems lacking with regards to how important USA actually *is*. In particular, one must ask whether and how Norwegian facilitation, which differs in various ways from the superpower's *customary* approach to far-away conflicts (not only as to how *national interests* are defined), benefits from, or is rather constrained by, American support and Norway's somewhat "tabooed" foreign policy dependency on the country's Marshall helper and Cold War military guarantor. A critical view on the Sri Lankan peace process along idealist and moral dimensions, as attempted here, does not prove, or even tentatively indicate, that U.S. involvement was of help.

The standstill in the peace process was replaced by hectic activity following the LTTE's launching of their ISGA scheme for an interim North-East administration. The sole act of putting it forward can hardly be judged unreasonable; yet, this was essentially the

message put across when President Kumaratunga intervened and removed the possibility (however small this might have been) that the UNP-led government would re-enter talks based on the LTTE bid. Kumaratunga stated that the state's sovereignty was at risk – an argument which, rationally assessed, must be dismissed since it aligns with the most exclusivist versions of Buddhist-Sinhalese nationalism, namely those elevating, in an absolutist way, the protection of the island's territorial integrity and "unity" over any other concern – thereby conveniently freeing own norms from rational ethical/moral scrutiny. The President' move shifted *her* "outside" status in the peace process to key actor in what remained of it and brought Prime Minister Wickremesinghe's role to an end.

The new government that replaced Wickremesinge's UNP-led administration in 2004 outright renounced the representative-ness that was claimed by and granted to the LTTE when the negotiations got underway. In parallel, a pushier, stick-based third-party approach (stressing the likely negative consequences if the peace process continued to wither) developed in an attempt to re-awake the parties' interest for peace and replaced the "relaxed" facilitation which characterised the early phase. Norway's efforts no longer conformed to facilitative ideals by which the intermediary is supposed to be mainly engaged with dialogicality, the reversal of perspectives, and shared-ness through self-reflection.

Karuna's defection effectively affirmed the new GoSL's reading on the wrongness of treating the Tigers as representatives of the Tamil nation, and the internal Tamil fight that erupted accelerated the process whereby the standing of the LTTE declined. The disturbed equilibrium in turn reduced the likelihood that the peace process could be revived with the bipolarity which proved adequate in the conceding phase. The P-TOMS failure essentially confirmed that Sri Lanka (also) in legal terms is not yet ready or prepared to implement measures which would grant the LTTE formal authority over matters controlled and decided over by Colombo. The Supreme Court's verdict was (in the South) widely read as one more "proof" that appeasement vis-à-vis the LTTE is wrong and would somehow distort justice in the country. From a donor perspective the ruling was a word of warning about the limited capacity of the Sri Lankan state to rearrange institutions and practices in a way that would meet equality expectations and strengthen efforts for peace.

The (failed) <u>rescuing</u> phase – *from December 2005 to December 2006*

The last stage of the Norwegian-facilitated peace process was marked by volatility, growing tensions and, eventually, unembellished warfare, despite the official truce. The few events which justify seeing also this year as part of the peace process were the two sessions of talks held in Geneva (in February and October) and the *separate* discussions Norwegian

go-betweens had with both parties in Oslo in June on SLMM issues (when the intended meeting between the two sides on the same topic failed to materialise).

Despite the evident reluctance displayed by both sides to meet face-to-face in the months ahead of the first Geneva session, the gathering generated hope that the parties might still be able to turn the escalating spiral. Even if the earlier enthusiasm and sense of mutuality were lost, both the GoSL and Norway claimed that confidence and trust had been built during the talks. This proved overoptimistic; the agreement announced held back the parties' fighting spirit for a few days only. The LTTE's vocabulary when summing up the talks, calling the GoSL promise to disarm all paramilitaries a 'victory', also demonstrated that a winning versus loosing mentality was back at full strength. Essentially, no action was taken to honour the promises made, and the ground conditions thus continued to deteriorate.

Norwegian optimism after the final sitting of Geneva I was understandable in view of the fact that a three year-long "facilitation" process, with no actual talks to facilitate, had at last resulted in face-to-face discussions. Moreover, the previous rounds (in 2002-2003) had been constructive and by and large confirmed the validity of the third-party's principled commitment to dialogue as a tool in conflict resolution (ref. ch. 4). *Again* bringing the chief parties together was therefore considered a momentous step. This conviction appears to be in perfect harmony with the most elementary premise of discourse ethics, namely that it is via inter-subjective, rational communication that sound moral judgements can be made. But, the more specific prerequisites of discourse ethics pose a number of challenges on their own. Given what we know today, it is necessary to ask whether these *supplementary* criteria were (even minimally) fulfilled at Geneva I. Especially: To what degree was the reinstalled dialogue free and driven by the disputants themselves, and to what extent was the "repaired" inclusiveness authentic, exhibiting a real and wanted engagement of two counterparts?

As officials and press reports have hinted (ref. ch. 5), an important reason for the GoSL and the LTTE to attend the Geneva I talks was the pressure exerted on them by the international community. This, it would seem, brought about a felt need to placate also the backstage actors, as thefinancial support pledged by most of them was still tied to progress in the peace try. However, equally, if not more, important to the LTTE seems to have been the need to "triumph" (at least in principle) in the Karuna case by having the government state its responsibility, under the CFA, to disarm all paramilitaries in army-held areas.

The futility of the Geneva I talks, as revealed by the palpable gap between *agreed* and *implemented* steps in the weeks and months that followed, tell about a crumbling peace process in deep disarray. The reliance on dialogue at this stage, hoping that a level-headed exchange of rational arguments could reassemble the many bits and pieces of a parked process, proved disproportional to the task at hand. The pillars of the reinstalled dialogue

were, from the conflict owners' point of view, too hollow and shaky to give meaning to the effort. The end result that the disputants agreed to was, therefore, not intrinsically *theirs*; external pressure, working against both discourse-ethical criteria and ideals of third-party facilitation, largely decided the outcome. The dialogue at Geneva I was, in other words, theatrical; the result was "correct" only from the outsiders' perspective.

An alternative reading is that both parties not only approved of but actually intended to stand by the Geneva I agreement, but that the problem was the parties' incapacity and lack of resources to implement it successfully. However, too many *other* developments in 2006 undercut this more positive interpretation. A war mode prioritising military means, which both sides reinforced and adjusted to, had gained strength already from the beginning of the year. In these new circumstances, dominated by "might is right" logic, disarming one's enemy's worst enemy (or trying to do so) would probably have been perceived as both hazardous and stupid. Thus, no incidents or reports since Geneva I have indicated interest or willingness on the part of the Rajapakse regime to neutralise Karuna. Analyses predict instead that the GoSL in fact wants to *strengthen* Karuna's position in the East so as to weaken LTTE arguments and pretensions to be representing *all* Tamils (also those in the East), and thereby also dissolve Tiger (and Tamil nationalist) claims that the North and the East constitute one unified homeland (ref. ch. 4). These efforts tell that the state authorities would like to see the LTTE replaced with its intra-rebel faction as the GoSL's negotiating partner – thus inflicting a major shift in the original inclusion/exclusion design of the peace process based on the argument that the Tigers, as bare "terrorists", are undeserving of equality and and/or prominence vis-à-vis the Sri Lankan government.

The escalating violence in 2006 accompanied also a noticeable weakening of the third-party role. Norway, while officially remaining both sides' preferred facilitator, no longer had the influence and weight it enjoyed in the previous stages. Instead, repeated statements explicitly or implicitly depicted Norway as a cowardly and/or weak go-between without sufficient strength to condemn or "arrest" the other side for its cruelty and scores of CFA (and human rights) violations. This criticism came not from exclusivist nationalists on the flanks only, as exemplified by Foreign Minister Kadirgamar's speech a few weeks before his assassination, which essentially held Norway accountable for the democratic deficit in areas under LTTE control (ref. ch. 5). This bears witness to drastic changes in the mindsets operating on the two sides in the course of the process and how a war mentality, based on realist notions of the importance of hard power and "muscle", gradually took over and redefined some of the key premises on which the peace process had been based. The calls, accompanying the increasingly bellicose mode, for an *almighty judge* with sufficient powers to *punish justly* the other side, contradicted the role Norway ventured into in the

first place. As the reformulated expectations also collided with some of the most central values in the idealist platform of the facilitator, Norway's standing inevitably declined.

Though the earlier bipolarity was *formally* imitated at Geneva I, the GoSL delegates did not sit down with a wanted counterpart. The inclusiveness exhibited was thus shallow, and developments in the following months continued to affect the process negatively. In the latest phase, this was principally linked to outer action which cemented the status disparity between the two sides. This further compromising of the equality principle was particularly evident and explicit with Canada's and the EU's bans on the LTTE. The EU resolution, by using terms like 'appalling abuse', 'illegal', 'miserable', and 'war crime', blamed the LTTE for the collapse of the ceasefire, while at the same time assigning the Tigers with the task of 'setting the stage' for a political way out of the conflict by calling on them to be prepared to decommission their weapons (an insistence showing an amazingly limited awareness and realism as regards Sri Lanka's conflict history and the nature of the LTTE's war campaign).

The talks scheduled for June in Oslo represented a potential opportunity to counter this dynamic and restore some sense of balance between the parties, as the GoSL and the LTTE were undoubted *equally* needed to work out modalities for the monitoring work of the SLMM after the EU ban. However, the story of Tokyo 2003 repeated itself: Instead of playing a key role, the Tigers reacted with, in the views of many, oversensitivity and never showed up for the talks they had come to Oslo for – justifying their no-show with the argument that the government delegation was of a lower rank than theirs. Western media were (again) only able to read this as a false excuse or cover-up. However, if the Tigers were looking for an easy way out (to avoid having to attend the talks), they surely did not succeed in this way; the decision not to meet with the GoSL delegates (but to have separate talks with the Norwegians only) was seen as both awkward and "immature" by wide audiences. Exactly for this reason, the episode, apart from "proving" the facilitator's small influence at this stage, indicates that for the Tigers, it is at times worth paying the cost of acting "difficultly" or "stubbornly" if their dignity and pride can then, according to the internal logic, be preserved. The struggle of the LTTE is powerfully linked to symbols signifying the moral worth of the Tamil nation (ref. ch. 4), and docility in terms of position or status demotion is seen as affecting the struggle itself. As this struggle is undertaken for rights considered *just*, no compromise imperilling the standing of the nation's (self-proclaimed) representative is in principle defendable.

While the intended dialogue between the main actors not even got started in Oslo, it was to some degree reinstalled, for the last time, in the second Geneva round. Meeting in a time of war, again (probably) only because of international demands and pressure, meant that the restraining effects on expressing fury and frustration, and the vocabulary softening,

that typically goes with diplomatic courtesy rules were more or less absent. The "dialogue" can probably more accurately be depicted as an emotional outburst and a release of mutual accusations; the passed months had told everybody that fine words on paper were of no value, and there was, accordingly, no need to act as if conciliation was on the agenda. Thus, Geneva II was a far more *real* event for the parties; they were more in charge of both content and style. The fronts were "sharp-edged" because the ground situation was. By spelling out their annoyance and bitterness, the parties "won back" some degree of ownership to the whole thing while at the same time instating (whether declared or not) war as the new goal. At Geneva II equality reached its bottom level, and the bipolarity exercised was hollow and utterly inadequate to bring about any momentum towards peace. The communication at this closing session demonstrated that the initial dialogue had been reduced to, essentially, disconnected one-way speech acts of condemnation and denigration.

The conclusions that can be drawn for the three categories based on the phase-by-phase analysis above are summarised in chart 1. The précis tells, row by row, that dialogical quality in the process changed from being relatively good (*sound*) in the initial phase to becoming little more than a "façade exercise" (*theatrical*) in the final act. In the critical, in-between drifting phase dialogue as communication tool was left dangling. The level of inclusiveness performed, which was adequate (*appropriate*) in the conceding phase, was later questioned (*distorted*), and proved ultimately inapt (*superficial*) to rescue the peace try. A principle of equality was mutually upheld (*confirmed*) from the start, but was later put to the test (*challenged*) and finally denied/refuted (*rejected*). Thus, the importance of the peace process declined stage by stage, as its effective impact vis-à-vis the stated goal roughly progressed from "fairly high", via "low", to "minimal".

The Sri Lankan peace process (GoSL – LTTE)	**The conceding phase** (2000 - March 2003)	**The drifting phase** (Apr. 2003 - Nov. 2005)	**The (failed) rescuing phase** (Dec. 2005 - Dec. 2006)
Dialogicality	Sound	(Suspended)	Theatrical
Inclusiveness	Appropriate	Distorted	Superficial
Equality	Confirmed	Challenged	Rejected

Table 1. The status ("score") of the moral categories of dialogicality, inclusiveness, and equality in the three phases of the Sri Lankan peace process – qualitatively assessed from a discourse-ethical and real moral discourse (RMD) angle.

To what extent did the peace process represent a discourse-ethical approach to peace?

Discourse ethics is essentially about the surpassing of particularity, i.e. the rising above taken-for-granted assumptions and the extension of accustomed norms by redirecting the spotlight from the common good of a *limited* group to the common good of *all* affected (ref. ch. 3). A critical look on the Sri Lankan peace process with this exigent ideal in mind reveals that only the initial stage, to some degree, was characterised by conceptualisations and prioritisations reflecting the Habermasian ambition. While the inclusiveness acted out, thus also the influence of all affected, remained far from the ideal even in the beginning, the two prime actors and the facilitator met with a mutual understanding of the overall situation and a sense of joint responsibility for the lives of people *beyond* their respective home audiences. Though perhaps minor when considered in a long-term perspective or seen from a distance, and certainly mixed with pragmatic, instrumental-strategic considerations *and* ideas upheld by the parties' *usual*, self-oriented normative frameworks, the "breathing space" created by the 2001 ceasefire and the 2002 ceasefire agreement not only expressed an in principle concern but had real and positive life quality effects for virtually all Sri Lankans. Also the equality and mutual respect demonstrated in the initial stage, and the sincere interest and readiness to engage each other in dialogue, whereby at least *some* space was made for taking in the perspective of the other, bear witness to a genuine commitment to transcend own particularities and prioritise (elements of) a "greater" common good.

Also with reference to RMD, which concretises the more abstract idealisations of discourse ethics by e.g. acknowledging knowledge and time constraints and allowing for context- and culture-specific descriptions that are not immediately in harmony (ref. ch. 3), the first phase of the peace process must be judged fairly satisfactory. That is, the peace process was principally in accord with the set RMD criteria as long as its prime focus was on halting the war (i.e. entering and formalising the ceasefire) and concretising further steps to move from an impermanent cessation of hostilities to a gradually more sustainable peace condition (i.e. what was in effect accomplished in the six rounds of talks held in the conceding phase but only implemented to a limited degree). RMD intentions and requirements fulfilled in the beginning of the process were especially noticeable in relation to the following aspects:

The GoSL and the LTTE at the outset agreed on what was the most pressing aspect; halting the war had become necessary both from a pragmatic (rationally purposeful and strategic) and from an ethical point of view. To what extent the parties also considered this the *morally* correct thing to do, is more doubtful; a "Norwegian-inflicted" assurance about

the rightness of peace seems to have influenced the parties to some extent, but the commitment to this goal remained nonetheless conditional on both sides, i.e. any belief that the war was incorrect or unjust *per se* was not in place. The strong normative motivation for pursuing peace was, at this stage, chiefly pragmatic and ethical in character. The process did incorporate factual descriptions that the parties weighed differently, and though the shared-ness of the full problem definition is debatable, the two sides generally acted respectfully towards each other and also put forward what must be called *reasonable* demands.

This latter point was exemplary demonstrated in the third negotiating round, which produced the Oslo Communiqué on federalism as the frame for exploring a future political solution. This step, which fixed the parties to a joint political project along federalist lines, was reasonableness par excellence and as such the high-point of the entire peace process. Both parties showed commitment to work together and eagerness to succeed even before the process *officially* began (ref. ch. 2 and 5), thus telling the other side that it was a *wanted* partner in the process, which increased mutual legitimacy and reduced incompatibility. The positive signals transmitted via Norway's shuttle diplomacy before the first face-to-face meeting represented, in RMD terminology, the first, crucial concession which removed ambiguity and doubt as to who were to be included. While the bipolarity performed, with Norwegian endorsement and presence, not accorded with the discourse-ethical ideal per se, from an RMD standpoint the exclusion mirrored critical and factual obstacles and was, as such, not only defendable but appropriate; due respect vis-à-vis the "outsiders" was for the most part (with a question mark for the Muslims) upheld by the ceasefire, the CFA, and the (in theory) agreements reached during the six rounds of negotiations.

The above assessment also means that Norway's third-party efforts, in the first phase, largely fulfilled the more idealist guidelines for non-coercive and non-hierarchical peace facilitation (ref. ch. 3). The facilitator successfully inspired the parties to broaden their own perspectives and recognise the relevance of *the other*, thus establishing a certain level of shared-ness through self-reflection. However, the recommended focus on the key players' ability to undertake change and reform was lacking also at this stage of the process.

A discourse-ethical (and RMD) perspective is prone to deliver more or less *reverse* conclusions about the last two phases of the peace process compared to those drawn above. That is, after the suspension of talks in 2003, essentially all "discourse-ethical" qualities of the process slowly but steadily began to fade. Not only did the dialogical communication between the disputants fall apart; so did the respect and status the two had at first granted each other, which in turn distorted the original inclusiveness and created doubt as to who were actually eligible to negotiate about peace in Sri Lanka. It is for this reason not accurate to link the efforts in the last three years of the process (2004-2006), or the (few) outcomes

they produced, to a Habermas-inspired thinking on discourse and morality. This, however, does not mean that the fundamental norms and values of the involved actors were abruptly overturned. Instead, the changing character of the peace process tells about a conflict which has deeply-rooted contradictions and morally-loaded dilemmas built into it – impasses that, at some point, are likely to surface when efforts aimed at conciliation and rapprochement are undertaken. Thus, what changed were essentially key tactical-pragmatic interpretations and prioritisations due to new and, from a dialogical point of view, less favourable, conditions. These conditions derived in part from steps taken by the disputants themselves and to some extent from developments and actions in the parties' external environment.

The major factor on the government side affecting the possibility for a continuance and sustaining of the positive beginning phase of the peace process was, evidently, the changes in office-holders (due to the President's direct intervention *and* the results of the later elections), which left the state side without an explicit peace mandate and eventually brought in leaders with a more nationalist-traditional constituency and a different set of conceptions about peace. In discourse-ethical terms, the steps taken by the GoSL in the later stages failed to acknowledge the importance of equality and inclusiveness vis-à-vis its rival and needed (but unwanted) political partner *and,* even more basic, the inter-subjectivity on which a rational morality has to be based. The need (in moral terms) to *strengthen* the LTTE for sustaining the efforts towards peace was absolutely rejected, as this approach clashed fundamentally with the reading of Buddhist-Sinhalese norms now informing the decision-makers in the South. Inability to take in the full depth of the circumstances in the war-torn areas (i.e. challenge one's normal outlook and accommodate a "greater" common good), which could have led to more substantial and visible changes in the life quality of many Tamils, seems to have been a corollary of this altered GoSL stance.

The LTTE's contribution to the gradual collapse of the peace process was, first and foremost, the decision to suspend negotiations, from which point any further progress was effectively blocked. Though the decision was explained also with reference to the GoSL's lack of follow-up action (ref. ch. 2 and above), the "moral-procedural" justification hinged on the group being barred from the Washington meeting with donors. The Tigers felt that their status thereby changed from key partner to sleazily treated "outsider" – i.e. the basic equality or symmetry on which discourse ethics is premised was lacking. As the meeting in USA was a single event and *formally* no round in the official peace negotiations, the LTTE reaction can without difficulty be seen as an expression of a small-minded or uninformed oversensitivity. The world is, after all, essentially composed of states, and official donor meetings normally include only such entities (and their jointly formed apex bodies). So, while rationally it seems both needless and unwise to choose USA as the venue (i.e. putting

this extra burden on the process had, therefore, better be avoided), the expectation of the Tigers that also *they* should have been invited to Washington, emerges, in this light, as unrealistic (though the group *was* invited to Tokyo later on) and possibly unreasonable.

This reading, however, misses a crucial point: The (perhaps inflated and overstated) meaning affixed to the Washington incident shows not only how the issue of political power and control over funds had become embedded in the peace process. While the Tigers saw the choice of venue, and their resultant exclusion, as *intrinsically moral* (i.e. justice-related) issues, the international actors, including Norway, seem to have dealt with the matter as a purely pragmatic (i.e. instrumental-strategic) one, detached from its "moral" consequences. The LTTE-felt unfairness of being left out seems to have been better understood by Prime Minister Wickremesinghe (through his reply letter expressing regret, ref. ch. 5) than by the world community of states. This, perhaps, points to one of the Western world's *own* taken-for-granted assumptions, namely that U.S. policies, even if/when biased, exclusivist, or possibly unfair, are essentially fixed and therefore will have to be followed.

In addition to the suspension of talks, the Tigers' later inability (or lack of courage) to firmly stand by the Oslo Communiqué on federalism (reawakening uncertainty about this goal with inexplicit formulations on autonomy in the ISGA) and also their lack of respect for the content of the CFA, as shown by the numerous violations of its clauses (ref. ch. 2), only furthered the drift away from a meaningful, and initially quite successful, discourse-ethical approach. As noted for the GoSL above, this indicates a rather limited ability or readiness to fully take in the perspective of the other – in this case state leaders entrusted with the difficult task of having to convince a great many (Sinhalese and Muslim) sceptics about the meaningfulness *and* worthwhile-ness of engaging the LTTE in the form of an equalising CFA. Thus, also the Tigers principally failed in the later stages of the process to transcend their one's own truth-like assumptions and accommodate, or at least respond adequately to, basic concerns and rights of other groups (*and* of civilians in their own areas), which remains a quintessential demand in discourse ethics.

While Norway's facilitation in the later stages, which on the whole was a retreat to shuttle diplomacy, *generally* remained committed to the same principles that guided the process initially, an overdoing seems to have occurred on the importance of restoring direct talks. A plausible explanation for this is that the third-party, especially after the UNP-led government of Ranil Wickremesinghe was voted out of office in 2004, had virtually no (or very little) influence over matters of equality and inclusion/exclusion; the new Rajapakse government (supporting and supported by President Kumaratunga) and increasingly also international actors (ref. the co-chairs) now in large measure set the terms and conditions for how these issues, and related peace questions, were to be dealt with. Norway, remaining

responsive to claims and viewpoints of the GoSL and the LTTE but increasingly also holding on to the assumptions and priorities set by the donor co-chair group, at this point seems to have put ever greater hopes in and reliance on (diplomatic and political) *pressure*. Though only thought of as a supplement, this amended third-party strategy represented a challenge for pursuing discourse-ethical ideals; it also meant a step away from a truly non-coercive and non-hierarchical facilitative role. By the time dialogical perseverance and outer pressure "convinced" the parties to return to the negotiating table, other discourse-ethical prerequisites had already been disposed of. What resulted only was a strained, essentially un-willed, and largely dysfunctional dialogue which proved wholly inadequate to "repair" the anti-discourse climate characterised by inequality and a missing mutuality.

In sum, one has to conclude that the Norwegian-facilitated peace process in Sri Lanka, if seen as a non-stop conflict resolution attempt, never fully reached the stage of a *transformative* dialogue since symbolic equality, a certain level of trust, and dialogical commitment were in place only initially. Discursive non-coercion was also only upheld in the first phase. Neither all affected parties nor all pressing aspects were incorporated or dealt with, and after the peace talks were suspended (in 2003), the conflict was never again approached as a joint problem, which could have made further concessions doable.

To what extent can the moral dimension in general, and dialogicality, inclusiveness, and equality in particular, explain the lack of tangible results from the peace process?

From the above phase-by-phase account and the conclusion that the peace process fulfilled discourse-ethical criteria only initially, the sphere of morality, as represented by the categories of dialogicality, inclusiveness, and equality, seems important to integrate in a search for explanations to the meagre results generated. Principally, the relevance of the three moral variables for the outcome (or lack of such) of the peace process must be argued for on the basis of a qualitative assessment for each category, as was done and summarised above (ref. table 1). Held up against the main actors' key motives and the process dynamic, this assessment indicates that an affirmative evaluation (high "score") directly, or more indirectly, can be related to positive (i.e. peace-promoting) steps in the process (whether in the form of joint agreements or action). And conversely: low dialogical quality (as seen from a discourse-ethical point of view), which was arguably linked to a forsaken equality principle and a distorted inclusion/exclusion format, coincided with, and seems to provide credible explanations for, the virtual standstill and later disintegration of the entire process.

The fact that ethical and moral concerns, generally, are salient motivators also for diplomats and politicians is hardly a surprise, given that ideas of the good and the right

accompany us virtually always and everywhere. However, the Sri Lankan peace process reveals that a rational path of cogent argumentation for dealing meaningfully with the material aspects of a conflict which, on ethical or moral grounds, are deemed valuable by the disputants is not easily established nor upheld if the process *itself* is judged improper or unworthy. In other words, a sound dialogical reasoning (with or without follow-up action) on morally significant issues were promoted *or* obstructed due to satisfaction or discontent, respectively, with the "morality" of the process itself. A discourse-ethical perspective, with particular emphasis on dialogicality, inclusiveness, and equality, seems capable of breaking down and clarifying this point. Below, this dynamic is exemplified with reference to decisive steps taken by all three official participants at different points in time.

The GoSL's bearing on the outcome was first and foremost linked to its handling of the status issue. Like most states facing a violent insurgence within its borders, Sri Lankan authorities have classically been at odds with the idea that any sort of equality applies between themselves and the rebels. Nonetheless, the UNP-led government grasped how important this issue was to their counterpart and demonstrated flexibility and readiness to "come down" by renouncing the ban on the LTTE. This "common sense" pragmatism on the part of the new GoSL administration was in fact present from the day it assumed power; the new government reciprocated the LTTE-announced ceasefire, accepted parity of status with the Tigers in the CFA (which also verified the LTTE's control over parts of the island), and finally acted out a perceptible symbolic equality in the peace negotiations. Bearing in mind the fairly deep and wide-spread anti-terrorist sentiments in the South of the country, this dedication to the equality code demonstrated not only goal determination vis-à-vis a strong wish for peace but revealed also a level of political courage and steadfastness rarely seen in the course of Sri Lanka's conflict history.

This situation was basically turned upside-down with the later leadership changes. The new government, judging the conceding phase of the peace process and the equalising format of the CFA improper and incorrect rapidly thrust aside the equality code. Symbolic equality, till then espoused by all three main actors, was thus forfeited, and this exposed the productive "peace first" climate of the initial phase and undermined the chances for new, meaningful talks. Except for the post-tsunami P-TOMS scheme (which was also finally scrapped), no outcome promoting the cause of peace was generated after the GoSL's stance on equality was redefined. It is quite likely, therefore, that the position of the state leaders *on this particular matter* influenced not only the results but also the destiny of the peace process itself.

The new GoSL was to some extent "helped", through the illegalisation moves of international actors in the last leg of the peace process, to devalue the previous talks held

and "prove" the unreasonableness of the equality demand then put on it. The new bans on the LTTE were, basically, read as confirmation of the government's moral superiority. This tells that prohibition does not only reduce the flow of funds; it functions to "un-officialise" talks with the party in question and enlarges the rationalisation burden on the intermediary in terms of defining and justifying its role. Banning might also make it more "normal" to brand a peace attempt as morally indefensible. Blacklisting of groups needed for peace to emerge, insofar as equality is a precondition for reaching a political solution, is for this reason worrying, as such steps may be read by those targeted as pompous moralism on the part of a self-proclaimed superior that overlooks the imperfection and weaknesses of all human activity. The end result might be an increased reliance on military means (on all/both sides, in fact) and less space for non-violent conflict transformation.

Equality appears as a crucial variable also when weighing the LTTE's responsibility for the outcomes and fate of the peace process. The organisation was the prime beneficiary of the initial parity conditions which, principally, the GoSL concessions put in place (with Norwegian back-up). Encouraged also by the CFA coming into effect (unlike many earlier pacts in Sri Lanka's post-independence period, ref. ch. 2), the LTTE entered the scene as an engaged negotiating partner. Symmetry between the two sides was asserted also by the step-by-step approach undertaken; while sensible from a pragmatic point of view too (since people in the war-affected areas were unquestionably in need of assistance), the strategy added force to the dignity and justice aspects of the Tigers' struggle by implicitly faulting the government for its past wrongs. The gradual approach thus motivated the LTTE to stay in the loop *also* because introvert needs related to honour and self-respect were thereby met in a manner resonating with the group's conceptualisations of itself and the Tamil struggle.

The Tiger step which most directly affected the direction and lack of output of the process was connected to the organisation's sensitivity and vulnerability to *exclusion*. As argued above (ref. ch. 2 and 5), the increasing involvement of "outside" actors in the peace process occurred at the cost of a growing exclusion on the part of the LTTE. Its explicit reference to the Washington meeting when the talks were suspended – a decision which set off the growing estrangement between the UNP-led government and the LTTE – signifies, probably clearer than any other event in the process, the critical value of inclusiveness for any efforts aimed at transforming this deep and multifaceted conflict into peace.

It is possible to read the LTTE's steps in the later stages, when virtually no progress was made, as proof that a rebel group suffering from lack of international recognition and legitimacy at times may be happy to pursue a peace process solely on the moral level. The intention of engaging one's opponent in dialogue is then only to "win it", hoping that this, somehow, will increase support for one's claims and demands later on. The process is, in

other words, not meant to lead to changes in ground conditions; it is undertaken solely to prove the rightness of one's cause. In the case of the LTTE, this aspect is linked to the group's operational mode and the lack of (and correspondingly huge need for) recognition that its suicide tactics have created. This makes the organisation especially sensitive to the procedural design of any process likely to challenge its *usual* way of operating and getting moral support, which is through war. Ironically, this wariness on the methodical aspects of *peace* (or peace-making) has not been balanced by a similar watchfulness when it comes to the means of *war*, which is, it seems, exactly why the LTTE suffers in terms of legitimacy.

The Sri Lankan conflict situation, as it stood at the turn of the millennium, seems to have fitted Norwegian idealist pretensions like hand in glove. An increasing war-weariness in all quarters meant that peace (as "no war") little by little *imposed* itself on the warring actors as the only rational way ahead. Norwegian "shuttle diplomats", with an urgency-of-peace mind-set, thus met with receptiveness. The new UNP-led government also agreed to treat its war enemy (and future negotiating partner) as an equal; the 'hallmark' of Norwegian mediatory style was thus asserted. With these two basic pillars in place, the third-party could begin intensifying its efforts for installing a sound dialogue – the third and perhaps most important component in Norway's "peace toolkit" (ref. ch. 4).

The sound dialogicality that characterised the opening phase was, in all probability, decisive in making the disputants agree to federalism as a frame for a future settlement; no external development or incident at the time dictated, or made it possible to foretell, the content of the Oslo Communiqué. Thus, the hope in and reliance on dialogue, as a key instrument on the path towards peace, were essentially confirmed at this stage of the process (Even if also *this* deal was not acted upon in the course of the process itself, the federalism declaration might still prove an important reference for future efforts since, in it, both the GoSL and the LTTE agreed to a formula never before officially conceived or allured to.)

Later in the process, however, dialogue, as a method and principle, proved incapable of producing any significant result; the hope or trust in it did not match the new conditions that emerged when the egalitarian approach vanished. In the new circumstances, a sound dialogicality was itself out of reach – largely, it seems, because of the growing disparity in moral standing and status which, though going against the third-party's own conceptual platform, Norway proved unable to prevent or offset. The initial equality orientation of the facilitator was subdued (due to both inner and outer developments) and proved inadequate to bring back the former dialogical spirit. The resultant communication proved in the end even more un-committing than the previous rounds had been in terms of leading to action.

This last point, that any dialogue must be tied to political action on the ground for it to be meaningful, points to the risk of overrating the value of upholding communication at

any cost – whether discourse-ethical criteria and preconditions are met or not. Incorporating a factual dimension (as stressed by RMD) is crucial, in other words – at least insofar as it is tangible results that are sought (and not merely proof of one's rightness, ref. above). A goal of establishing, urgently, a state of negative peace might add to this risk by encouraging "shallow" dialogical efforts which treat hard realities too lightly, thus missing out on more conditional peace goals linked to questions of justice, forgiveness, and punishment etc.

In sum, all three moral categories analysed seem, in different but connected ways, to have influenced the prospects for peace and the overall unsuccessfulness of the process. That is: dialogicality, inclusiveness, and equality, each in a unique way, was a constraining or promoting parameter in the peace process according to how it was defined at any point. The process trajectory indicates, though, that *equality* played the most fundamental role of these. That is, equality concerns directly, or more subtly, impacted on the dialogical quality that was achieved and also largely underpinned the way in which matters of inclusion and exclusion were approached and resolved. The dialogue pursued, as long as this was free and willed, was at the same time itself helpful in advocating and upholding a commitment to equality. The inclusiveness acted out seems in large measure to have been symptomatic for the attained strength and quality of equality and dialogicality, respectively, more than the other way round. Thus, the inclusiveness variable crucially depended on the fulfilment of both egalitarian principles and essential dialogical criteria to be solid and have noteworthy impact on the peace pursuing attempt (as demonstrated in the failed rescuing phase).

These *overall* influencing and pre-conditioning flows, understood as observable *tendencies*, are depicted in figure 2. As the three categories represent a *selected* focus, and discourse ethics is just one out of many theories on morality, the illustration is of course no attempt to present a complete picture of what defined or impacted on the prospects for peace in the latest Sri Lankan process.
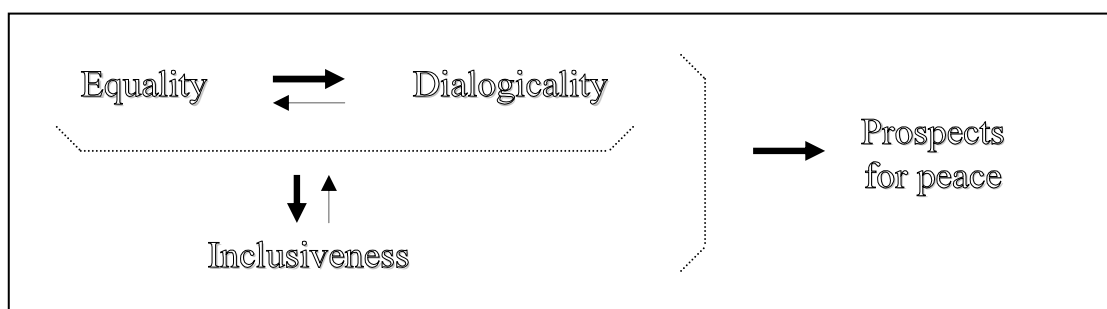

Figure 2. The moral categories of equality, dialogicality, and inclusiveness were significant in the Sri Lankan peace process (2000-2006) and constitute one axis along which plausible explanations for the lack of lasting, tangible results from the process can be found.

7. CONCLUSIONS

This thesis project has utilised Habermas's discourse theory of morality (*discourse ethics*) as a methodical basis to analyse moral-procedural aspects of the latest official peace process between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE). The three dimensions focused – dialogicality, inclusiveness, and equality – are essential building blocks in not only discourse ethics but also the communicative action model. Given the abstraction level and universalism of the overall theories, the principle of *real moral discourse* (RMD) was incorporated to help concretise and further the analysis. Based on the empirical data collected, the internal dynamic and significance of the three moral dimensions were first discussed in a chronological fashion, as the peace process at hand displayed major variations in its moral-procedural characteristics in different stages. The wider questions of whether the peace try represented a discourse-ethical approach and the extent to which the quality/standing of the moral categories might account for the lack of lasting, positive results generated were responded to seeing the Norwegian-facilitated peace try as one continuous effort.

The communicative conditions and overall quality of the dialogue conducted (the dialogicality) in the course of the peace process changed from being fruitful and sound to becoming theatrical and wholly un-committing. That is, the discourse was free (i.e. non-coercive) and meaningful/substantial only initially when the disputants agreed on what was the most pressing problem (halting the war) and also reached a level of shared-ness which made it possible to discard two 'clearly inadequate or wrong' solutions (i.e. the continuation of a unitary state model *and* a separate, Tamil-dominated state in the North-East) – two basic real moral discourse criteria and as such a prefect fulfilment of the RMD principle. Dialogue was suspended as a communicative tool for the most part of the peace process, reducing dialogicality to a more or less empty analytical indicator for this period.

The level of inclusiveness enacted (comprising "only" the two warring side plus the facilitator) was appropriate (and possibly also right in principle) in the early phase of the process but came under increasing pressure and was later distorted. Bipolarity eventually became a superficial and thus unreliable marker of engagement and mutuality; the *formally* upheld inclusiveness in the final stage was essentially unreal and also unwanted – by the GoSL since it no longer saw the LTTE as its correct counterpart and by the LTTE as it considered its participation insufficient and incapable of restoring its (at this point) relative weakness (both in real and symbolic terms) vis-à-vis the GoSL.

Symbolic equality between the prime actors was confirmed and a great asset in the beginning phase of the peace process, as conveyed by the equalising format (and content) of

the ceasefire agreement and as noticeably acted out by all three official players during the first six rounds of negotiations. Also this discourse-ethical precondition (relating to both dignity/moral worth *and* simple behavioural aspects) was later challenged and in the end denied/withdrawn – not only because of the substitution of office-holders on the government side (and the resultant alterations in mindsets and motives) but also due to decisions and developments in the official process participants' external environment.

The analysis shows that the Norwegian-facilitated peace process in Sri Lanka did not fulfil discourse-ethical criteria and requirements to a very high degree; dialogical commitment, a principled approach to and joint position on equality, as well as discursive non-coercion were in place only in the initial (conceding) phase. On the whole, therefore, one can conclude that instrumental-strategic (pragmatic) and (essentially self-oriented) ethical considerations dominated the stances of and steps taken by the parties. While the idealist platform of Norway's peace diplomacy seems to match the premises and principles of discourse ethics in several respects, a "peace first" attitude combined with a firm belief in egalitarian values and the effectiveness of pursuing dialogue (almost at any cost) were not influential enough to save the process from derailing from the original course. In fact, the Norwegian equality orientation proved of little/no value when the real disparity between the parties was exposed and confirmed by virtually all others.

Of the three moral-procedural categories scrutinised, the growing inequality between the two sides (both in real/material and symbolic/moral terms) had the most decisive peace-adversarial effect on the process. Moreover, when the conditions of parity began to fade (primarily due to the military weakening of the LTTE *and* the GoSL's "withdrawal" of parity status), the facilitator in some way "conceded" the facilitative ideal of principally trying to stimulate a free and self-driven dialogue; however, the increasing reliance on pressure and "stick" arguments only furthered the slide away from a discourse-ethical path – thus contributing to making the (eventually) restored "dialogue" theatrical and the "patched up" inclusiveness superficial.

In other words: the step from pragmatic and ethical arguments that relate to one's own group only to a moral sphere where justice for all is the key concern seems big and hard to take for the Sri Lankan conflict owners. This constraint can plausibly be linked to the nationalist projects of the two sides; these contain widely accepted (thus also influential) norms which operate along highly exclusive formulas. As such, they illustrate perfectly the discourse-ethical truth that generally recognised norms are not necessarily morally just or worthy (as long as they are not based on an inter-subjective, and in this case also inter-ethnic, dialogical exchange of cogent, rational arguments). The moralities at work in Sri Lanka in other words fail to pass the discourse-ethical test of objectivity in that they do not

encompass a "greater common good"; both Sinhalese and Tamil nationalists elevate the suffering of their *own* community (which is real enough) above any other concern – thus failing to take in the essentially Kantian demand of humanity's shared responsibility for human life and conditions anywhere and everywhere.

As for the "explaining power" of the examined categories, the study indicates that all three moral dimensions, in different ways, link up with the outcomes generated initially and the lack of such in the later stages. That is, high/low "scores" according to discourse-ethical criteria seem, when held up against the parties' motivational platform and the overall process dynamic, associated with peace-promoting/-obstructing decisions and steps, respectively. The equality variable seems to have been the most profound and influential; while evidently affecting the parties' peace arguments (and drive in the process) directly, it seems to have influence the other procedural categories in a significant way as well. That is, a strong/weak equality focus at any moment seems to have impacted indirectly on the peace interest of the parties by largely defining the dialogical quality that was attainable and the way inclusion/exclusion issues were dealt with.

The analysis also highlights that when moral claims and values are tied to material issues, resolving the related dilemmas emerges as especially difficult, as the moral worth ascribed to a particular aspect has the potential to render the concern or interest in question more or less as an absolute. That is, the relevant claim takes on a truth-like character (like morality itself) and contradictory arguments are seen to be challenging principles of justice and rightness. The Sinhalese-Tamil conflict in Sri Lanka is deeply embedded in such justice- and rightness-related certainties. The continuance of conflict has, in consequence, become a "natural" phenomenon. An urgent peace appeal, which seems to be a defining quality of Norwegian peace undertakings, therefore does not necessarily meet with acclaim in situations where exclusive, and hence from a discourse-ethical point of view, morally deficient nationalist norms and principles reign.

A peace process analysis done from a discourse-ethical perspective also indicates that morality somehow might arrive *before* material issues. That is, if the most pressing aspect or problem is not readily agreed upon and/or considered urgent enough, the process can "get stuck" in its own moral "inappropriateness". Without resolving moral-procedural questions in a satisfactory manner, one might not even get started on the material topics. The Sri Lankan process indicates that equality demands and expectations are especially salient in this regard. If unfulfilled, they have the power to block the possibility of taking substantial peace moves – either directly or through obstructing or undermining that other essential discourse-ethical criteria are met in a sufficient degree and manner.

The "bigger" problem which the analysis points to (and which relates to all three categories in focus) is essentially this: *When is a dialogical approach correct and morally justifiable and when is it inappropriate or plainly wrong?* In comparison with the post 9/11 foreign policy rhetoric, the meaning and value of dialogue seems ever-more contested, and the position of this strategic-political tool (*and* discourse-ethical ideal) might be undermined if affective and self-righteous (i.e. essentially moralistic) acts of blame-casting get the upper hand. This, of course, would be quite paradoxical if *ours* are the times when this communication method is actually needed the most.

However, if one presupposes that dialogue is the best and/or only acceptable way in more or less all situations, the above challenge must be reformulated; the question is then roughly this: *When is (a genuine and sound) dialogue at all possible?* Norwegian peace diplomats seem generally more preoccupied with this latter task than with finding answers to the former. The possibility of progressing in a dialogue-based peace try seems, at any rate, tiny if the process itself starts with degradation or humiliation (or acts/moves interpreted as such). The devaluation of essentially very human needs for dignity and moral worth which such deeds signify is observably not easily overcome.

This, in turn, hints to the inbuilt equality challenge of the dialogical dilemma. As the present work provides plausible evidence for: If/when moral/symbolic inequality is a defining feature in the relations between two (or more) conflict owners, both dialogical quality and meaningful inclusion into joint efforts for peace can be blocked by the stronger party (in Sri Lanka: the GoSL) *as well as* by the weaker party (the LTTE). The challenge for a dialogically committed facilitator in such situations lies, it seems, in finding ways and means to compensate for the "factual" disparity so that inherently human wants and needs (of the weaker party, in particular) are adequately/sufficiently (if perhaps not justly) responded to. If not successful in this regard, the very possibility of achieving a sound dialogicality is probably next to non-existent.

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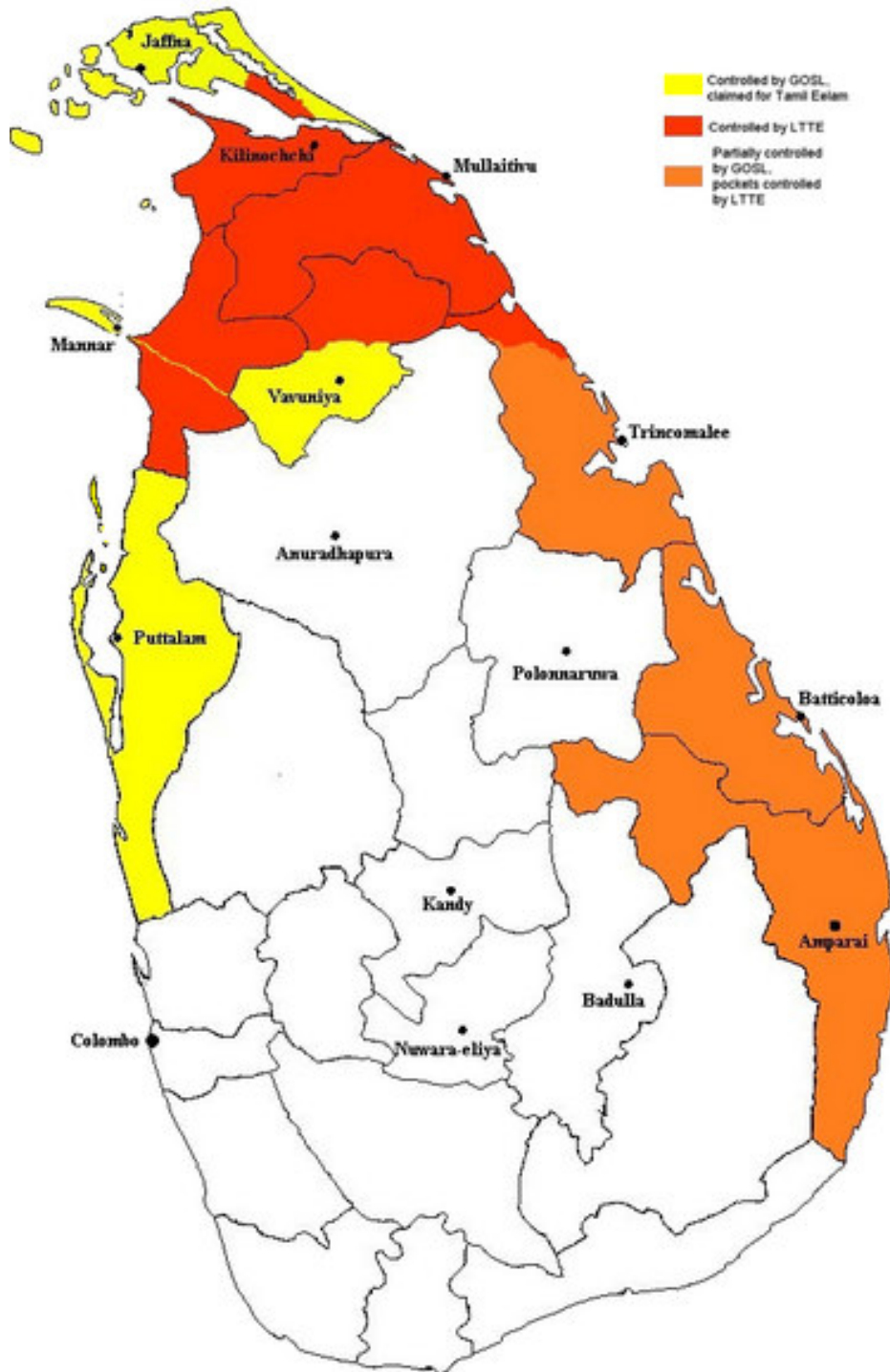
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Interviews with two other Norwegian officials were conducted in March and April 2007.

APPENDIX I: *Sri Lanka map*

APPENDIX II: *The ceasefire agreement (CFA) between the GoSL and the LTTE entered into on 22 February 2002*

Preamble

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The GOSL and the LTTE (hereinafter referred to as the Parties) recognize the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also seen by the Parties as a means of establishing a positive atmosphere in which further steps towards a lasting solution can be taken.

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore, the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants. With reference to the above, the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intentions or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

Article 1: Modalities of a ceasefire

The Parties have agreed to implement a ceasefire between their armed forces as follows:
1.1 A jointly agreed ceasefire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2, hereinafter referred to as D-day.

Military operations
1.2 Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as:
a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
b) Aerial bombardment:
c) Offensive naval operations.

1.3 The SL armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.

Separation of forces
1.4 Where forward defence localities have been established, the GOSL's armed forces and the LTTE's fighting formations shall hold their ground positions, maintaining a zone of separation of a minimum of six hundred (600) metres. However, each Party reserves the right of movement within one hundred (100) metres of its own defence localities, keeping an absolute minimum distance of four hundred (400) metres between them. Where existing positions are closer than four hundred (400) metres, no such right of movement applies and the Parties agree to ensure the maximum possible distance between their personnel.

1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24 December 2001 shall continue to apply pending such demarcation as is provided in Article 1.6.

1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, cf. Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day + 30.

1.7 The Parties shall not move munitions, explosives or military equipment into the area controlled by the other Party.

1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 days at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.
Freedom of movement

1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5

1.10 Unarmed GOSL troops shall, as of D-day +60 days, be permitted unlimited passage between Jaffna and Vavuniya using the Jaffna - Kandy road (A9). The modalities are to be worked out by the Parties with the assistance of the SLMM.

1.11 The Parties agree that individual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas under the control of the other Party. Such visits shall be limited to six days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna - Kandy road for this purpose. The Parties reserve the right to deny entry to specified military areas.

1.12 The Parties agree that as of D-day individual combatants shall, notwithstanding the two-month restriction, be permitted, unarmed and in plain clothes, to visit immediate family (i.e. spouses, children, grandparents, parents and siblings) in connection with weddings or funerals. The right to deny entry to specified military areas applies.

1.13 Fifty (50) unarmed LTTE members shall, as of D-day + 30, for the purpose of political work, be permitted freedom of movement in the areas of the North and the East dominated by the GOSL. Additional 100 unarmed LTTE members shall be permitted freedom of movement as of D-day + 6-. As of D-day + 90, all unarmed LTTE members shall be permitted freedom of movement in the North and East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies.

Article 2: Measures to restore normalcy

The Parties shall undertake the following confidence-building measures with the aim of restoring normalcy for the all inhabitants of Sri Lanka :

2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.

2.2 The Parties shall refrain from engaging in activities or propagating ideas that could offend cultural or religious sensitivities. Places of worship (temples, churches, mosques & other holy sites etc) currently held by the forces of either of the Parties shall be vacated by D-day + 30 days and made accessible to the public. Places of worship which are situated in their respective "high security zones" shall be vacated by all armed personnel and maintained in good order by civilian workers, even when they are not made accessible to the public.

2.3 Beginning on the date on which this Agreement enters into force, school buildings occupied by either party shall be vacated and returned to their intended use. This activity shall be completed by D-day + 160 at the latest.

2.4 A schedule indicating the return of all other public buildings to their intended use shall be drawn up by the Parties and published at the latest by D-day + 30.

2.5 The Parties shall review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population. Such systems shall be in place from D-day + 60.

2.6 The Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-controlled areas in accordance with Annex A. Quantities shall be determined by market demand. The GOSL shall regularly review the matter with the aim of gradually removing any remaining restrictions on non-military goods.

2.7 In order to facilitate the flow of goods and the movement of civilians, the Parties agree to establish checkpoints on their line of control at such locations as are specified in Annex B.

2.8 The Parties shall take steps to ensure that the Trincomalee - Habarana road remains open on a 24-hour basis for passenger traffic with effect form D-day + 10.

2.9 The Parties shall facilitate the extension of the rail service on the Batticaloa-line to Welikanda. Repairs and maintenance shall be carried out by the GOSL in order to extend the service up to Batticaloa.

2.10 The Parties shall open the Kandy - Jaffna road (A9) to non-military traffic of goods and passengers. Specific modalities shall be worked out by the Parties with the assistance of the Royal Norwegian Government by D-day + 30 at the latest.

2.11 A gradual easing of the fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night fishing shall be removed, subject to the following exceptions : I) fishing will not be permitted within an area of 1 nautical mile on either side along the coast and 2 nautical miles seawards from all security forces camps on the coast; ii) fishing will not be permitted in harbours or approaches to harbours bays and estuaries along with coast.

2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code.

2.13 The Parties agree to provide family members of detainees access to the detainees within D-day + 30.

Article 3: The Monitoring Mission

The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this agreement. Both Parties shall fully cooperate to rectify any matter of conflict caused by their respective sides. The mission shall conduct intern.l verification through on-site monitoring of the fulfilment of the commitments entered into in this Agreement as follows:

3.1 The name of the monitoring mission shall be the Sri Lankan Monitoring Mission, hereinafter referred to as the SLMM.

3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HOM), who shall be the final authority regarding interpretation of this Agreement.

3.3 The SLMM shall liaise with the Parties and report to the R N G.

3.4 The HoM shall decide the date for the commencement of the SLMM's operations

3.5 The SLMM shall be composed of representatives from the Nordic countries

3.6. The SLMM shall establish a headquarters in such places as the HoM finds appropriate. An office shall be established in Colombo and in Wanni in order to liaise with the GOSL and the LTTE, respectively. The SLMM will maintain a presence in the distrcts of Jaffna, Mannar, Vavuniyua, Trincomalee, Batticaloa and Amparai.

3.7 A local monitoring committee shall be establioshed in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. Each committee shall consist of 5 members, two appointed by the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens.

3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this Agreement at the lowest possible level.

3.9 The parties shall be responsible for the appropriate protection of and security arrangements for all SLMM members.

3.10 The Parties agree to ensure the freedom of movement of the SLMM members in performing their task. The members of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees, cf Article 3.7.

3.11 It shall be the responsibility of the SLMM to take immediate action on any complaints made by either Party to the Agreement, and to enquire into and assist the Parties in the settlement of any dispute that might arise in connection with such complaints.

3.12 With the aim of resolving disputes at the lowest possible level, communication shall be established between Commanders of the GOSL armed forces and the LTTE area leaders to enable them to resolve problems in the conflict zones.

3.13 Guidelines for the operations of the SLMM shall be established in a separate document.
Article 4: Entry into force, amendments and termination of the Agreement

4.1 Each Parties shall notify their consent to be bound by this Agreement through a letter to the Norwegian Minister of Foreign Affairs signed by Prime Minister Ranil Wickremasinghe on behalf of the GOSL and by leader Velupillai Pirabaharan on behal of the LTTE, respectively. The agreement shall be initialled by each Party and enclosed in the abovementioned letter.

4.2 The Agreement shall enter into force on such date as is notified by the Norwegian MFA.

4.3 This Agreement may be amended and modified by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.

4.4 This Agreement shall remain in force until notice of termination is given by either Party to the RNG. Such notice shall be given fourteern (14) days in advance of the effective date of termination.

APPENDIX III: *The 'Oslo Communiqué' statement whereby the GoSL and the LTTE agreed to explore federalism as the basis for a future political solution*

ROYAL MINISTRY OF FOREIGN AFFAIRS

Oslo Comuniqué
Statement of the Royal Norwegian Government
Oslo, 5 December 2002

The third session of peace talks between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) was held in Oslo, Norway on 2 to 5 December 2002. In a frank, open and constructive manner, the parties focused on three major areas:

- Consolidation of the ceasefire
- Humanitarian and rehabilitation action
- Political matters

The parties agreed on a working outline defining the objective as well as a number of substantive political issues for negotiation.

Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities.

Guided by this objective, the parties agreed to initiate discussions on substantive political issues such as, but not limited to:

- Power-sharing between the centre and the region, as well as within the centre
- Geographical region
- Human Rights protection
- Political and administrative mechanism
- Public finance
- Law and order

The parties recognised that progress on political issues must be supported by the continued consolidation of the Ceasefire Agreement. New concrete measures will be taken to facilitate further de-escalation and to improve normalcy:

- The GOSL will shortly return one of the hotels in Jaffna to its original use
- The LTTE will ensure that all future transportation of area commanders will take place under the supervision of the Sri Lanka Monitoring Mission (SLMM)

- The LTTE will accept the right of political groups to carry out political work, including in the Jaffna peninsula and the islands, provided that they are unarmed, as stipulated by the Ceasefire Agreement
- The GOSL will, in consultation with all relevant parties and groups, evolve a solution to the problems arising from recent developments in the Delft island
- The parties will facilitate restoration and rehabilitation of places of worship in the north and the east belonging to all religious communities.

On the basis of their firm conviction that the maintenance of law and order in the north and east is of paramount importance, the parties agreed to request the Sub-Committee on De-escalation and Normalization to propose a common approach to settling cases involving the disputed use of private property, where such use has been impeded by the conflict. Furthermore, the LTTE will ensure that the activities of their law and order mechanisms will not be extended beyond the areas dominated by the LTTE.

The parties strongly underlined the need to move rapidly on humanitarian and rehabilitation efforts in the north and east. For this purpose, the early establishment of the North-East Reconstruction Fund will be critical. The parties agreed that the custodian of the fund should be selected and modalities for its operation agreed at the next meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs. The parties expressed their appreciation of the strong support extended by several governments to the peace process at the Sri Lanka Support Meeting held in Oslo on 25 November, and urged these governments to rapidly release funds needed for humanitarian and rehabilitation efforts.

The parties acknowledged the need to ensure that the priorities and needs of women are taken into account in all aspects of the peace process. To this effect, they agreed to establish a permanent advisory committee which will, on a regular basis, submit proposals relating to women's interests to the sessions of negotiations and to the sub-committees of the peace process. The committee will consist of four representatives of each party.

As a priority area identified by the parties for humanitarian action, the parties stressed the need to improve the situation for children affected by armed conflict. Inspired by the international norms protecting the rights of the child, the parties underlined that children belong with their families or other custodians and not in the workplace, whether civilian or military. The LTTE will engage in a partnership with the United Nations Children's Fund (UNICEF) to draw up an action plan for restoring normalcy to the lives of children, and the parties called on the international community to provide financial support for such an action plan.

The GOSL will, in order to arrive at the broadest possible consensus, establish an appropriate mechanism for consultation with all segments of opinion as part of the ongoing peace process.