

CHAPTER I INTRODUCTION

A. Background of the Study

The noteworthy pretended by International actors in the Sri Lankan Peace Process is the overwhelming element of the present peace process. Global impact and association have conveyed what needs be in numerous structures: be it the track one endeavors of encouraging the transaction process; tact and universal weight; monetary help for post-struggle recreation and advancement and support and back for nearby grassroots activities. It is regularly expected that all the worldwide performing artists associated with the peace procedure have a comparable objective: of making and encouraging the improvement of peace. By and by, questions stay as to the idea of the effect. Given the variety of performing artists, of interests and of methods of mediation, the adequacy of this inclusion in understanding a reasonable and just peace is in no way, shape or form an inevitable

end product. The worldwide experience of global inclusion in peace forms uncovers a blended record. It likewise exhibits the impediments in their capacity to support and even decide the advance of a procedure and in certain circumstances their absence of effect and even cases where they may hamper or deter the process.

The international actors are used to involve in the conflicting country such as Rwanda, Bosnia and Syria. This time, they also involve in the peacemaking process of the conflict in Sri Lanka. The civil war (ethnic conflict) in Sri Lanka was a prolonged conflict that lasted for approximately 25 years from 1983 to 2009. The conflict overflowed when the Tamil, Liberation Tigers of Tamil Eelam (LTTE)¹ launched an insurgency as an effort to establish an independent Tamil state called as Tamil Eelam in northern and eastern Sri Lanka. The

¹ The LTTE was a Tamil militant group that based in northeastern Sri Lanka and founded in May 1976 by Velupillai Prabhakaran. It aims to create an independent state of Tamil Eelam in the north and east of Sri Lanka in order to get full citizenship rights for Tamil people.

LTTE is a militant organization formed by ethnic Tamils as ethnic minorities in Sri Lanka who are Hindus. The LTTE rebelled against the Sinhalese-majority ethnic majority of Buddhists.

Historically, the root cause of civil war in Sri Lanka has occurred since the time of British colonial occupation, when Sri Lanka was still named Ceylon. At that time, the difference in position between ethnic Tamils and Sinhalese has led to tensions between their political and social relations. Then, after the second world war ended and India gained its independence from Britain in 1945, Ceylon people also wanted independence and struggled to achieve it until 1948. Post-independence, the Ceylon government, majority-occupied by the Sinhalese, issued a "*Ceylon Citizenship Act*" policy which was a form of discrimination for Tamil ethnic minorities and made them barely gain citizenship rights. Around more than 700,000 Tamils are made stateless.

Over the next three decades, more than 300,000 Tamils were deported back to India. Then, in 1956 Prime Minister S. W. R. D. Bandaranaike sparked controversy between the two ethnics (Tamils and Sinhalese) when deciding Sinhala (Sinhalese language) became official language through Sinhala Only Act. This is considered as another form of discrimination for Tamils to prevent Sri Lankan Tamils from working as civil servants and other public services (Maharanie, 2014).

Hostilities, disputes, rebellions, until the ensuing racism were initiated by both parties (Tamils and Sinhalese). In the 1950s, 1977, the Tamil United Liberation Front (TULF)² was established, supporting the militant armed struggle. Tamils feel discriminated against until then, many are unemployed, and also the majority experience poverty. TULF became the main opposition

² The political group's adoption in 1976 which was formed by several Tamil political groups, including the Tamil Congress and the Federal Party has a demand for an independent state, a secular, socialist state of Tamil Eelam (Congress).

when the election of Junius Richard Jayawardene of the UNP (United National Party) government, because all sweet election promises have been abandoned, and Tamils still do not get proper citizenship rights. Until the LTTE militant organization emerged. The LTTE initially campaigned for violence until it initiated a dialogue to seek reconciliation. However, it remains ignored by the Sri Lankan government. Until 1975 and 1977, they have committed the murder of the mayor and also members of parliament.

There are many more forms of discrimination directed against the ethnic Tamil minority after the issuance of the policy. Until finally, it became a factor of escalation of internal conflict in Sri Lanka and encouraged the strength of separatist movements by Tamil militant groups. As the ethnic conflict grew, the LTTE began to campaign for Tamil homeland in northern and eastern Sri Lanka, where most of the island's Tamils reside.

The peak of conflict was in July 1983, when they carried out suicide attacks against the armed forces based in the north. A total of 13 Sri Lankan soldiers were killed and it is triggering riots in which 2,500 Tamils died (Bajoria, 2009). This led to anti-Tamil riots that occurred in the capital city of Colombo. Hundreds of people died, wounded, and thousands of people fled. The chaos was the beginning of a conflict called the "First Eelam War". Since 1983, an estimated 70,000 people have died from the conflict - the majority are ethnic Tamil, Sinhalese, and Muslim (Maharanie, 2014).

The civil war, which has lasted for about 25 years, has even gone through four phases of the Fourth Eelam War, affecting Sri Lanka's internal conditions both internally and internationally, environmentally, economically, and politically. For the economic casualty, the civil war between the ethnic Tamil minority and the Sinhalese majority has cost 1,443 Sri Lankan rupees, for

increased military budgets, damage and reconstruction costs, and loss of economic and tourism output.

The death of civilians during the last phase of the war has been estimated around 40.000 while other independent reports estimated the number of civilians dead to exceed 10.000. Tens of thousands of civilians are believed to have been killed in the final months of battle, but the government has thus far ignored the international community's calls for an independent investigation into those deaths and other wartime disappearances (Mahr, 2013).

In the near future, the world's attention has shifted to disasters that often go hand in hand. Not all disasters are reported and exposed by the media, only a few major disasters are reported and also exposed by the media when the effects are enormous. In some cases, when a disaster strikes conflict areas, it can produce a silver lining, an opportunity to generate unexpected peace. By jolting (shock) political landscape, a disaster

has the potential to rapidly change the dynamics of the conflict and result in opportunities to end the prolonged conflict (Chafe M. R., 2007, Hal. 5).

In 2004, the Indian Ocean tsunami struck in Sri Lanka and Aceh. The tsunami disaster that occurred at that time, causing huge casualties, and costly (spend much money) because of the infrastructure losses experienced. For about 25 years of civil war, and also the tsunami that has hit Sri Lanka so hard, the effects are enormous, ranging from casualties, devastated infrastructure, as well as displaced people.

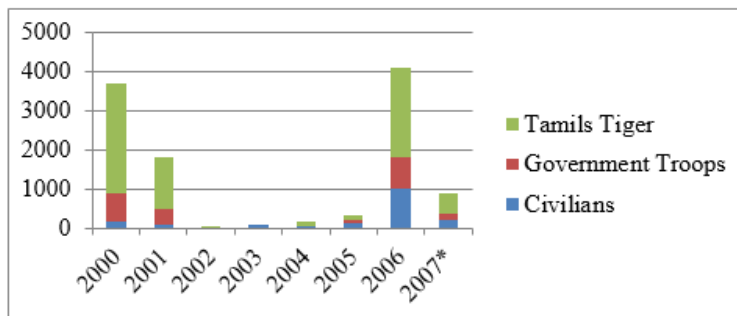
There are many media that expose the prolonged civil war that happened in Sri Lanka for almost 25 years. At that time, what is being exposed by media at that time, it was not clear, because the Sri Lankan Government (SLG) still keep the mouth shuts regarding the casualties of Sri Lanka. Thus, after the tsunami attacks, it emerges the concern from the world, because of the huge casualties that experienced by Sri Lanka.

Table 1 1.1 Impacts of Civil War and the 2004 Tsunami on Sri Lanka

IMPACTS	
Civil War	
Killed or missing*	86,000
Displaced, at peak	800,000
Displaced, March 2007†	465,000
Damaged and destroyed houses	326,000
Tsunami	
Killed or missing	35,322
Displaced	516,150
Still displaced, Fall 2006	325,000
Damaged and destroyed houses	105,000
Notes :	
*About 60,000 killed and more than 21,000 missing prior to 2002 ceasefire; close to 5,000 killed between 2005 and early 2007.	
†Includes people originally displaced before the 2002 ceasefire, plus 223,000 newly displaced by increasing ceasefire violations in 2006 and 2007. Some 128,000 Sri Lankans have sought refuge in neighboring India.	

Source: (Renner & Chafe, 2007, p. 27)

Figure 1 1.1 Deaths in Sri Lanka's Civil War, 2000–2007



Source : (Renner & Chafe, 2007, p. 29)

The table above shows the huge casualties that had been obtained by Sri Lanka because of the prolonged civil war, in addition to the tsunami struck. The international community knew very well about the history of the long-term civil war in Sri Lanka between Tamils and Sinhalese, and also about the discrimination of the SLG towards Tamils (LTTE) which is triggered the establishment of Tamil separatism and the growth of LTTE. Many media that expose the casualties of that prolonged civil war, so, that is why, the international

community wanted both parties, the SLG and the LTTE, to come to an agreement for ending the prolonged conflict.

During the prolonged civil war, several peaceful attempts have been made by the SLG to allow the LTTE Tamil to rejoin the SLG. As Chandrika Bandaranaike Kumaratunga did—the newly elected president of the People's Alliance (PA)—he came to power in late 1994 at a human rights platform promising a settlement in Sri Lanka's two-year civil war with separatist LTTE, increased accountability for past human rights abuses, and ended government corruption. The PA inherited a legacy of severe abuse, including tens of thousands of "disappearances," extrajudicial killings and torture of political opponents and suspected insurgents. The vast majority of these abuses were never investigated, prosecuted or punished. Indiscriminate bombardment of civilian areas affected by the war was also a hallmark of the former governor's campaign against Tamil insurgents (Watch, 1996).

In January 1995, a cease-fire was declared between the SLG and the LTTE, and the two sides entered into negotiations, raising hopes that the parties might finally reach a political settlement. Those hopes were short-lived. At that time, many of the perpetrators of these abuses remained free and in positions of authority, and the abuses that occurred during the year, though only a fraction of those committed in previous years, were strikingly similar to crimes committed under earlier governments (Watch, 1996). It caused the LTTE to stop a truce on April 19, by drowning two patrol boats and then shooting down two troop carriers, killing ninety-seven people inside. The LTTE murder of a Buddhist monk, along with new reports of "disappearances," extrajudicial executions and killings by Sri Lankan security officers, is indicative of how far this country comes from the peace that they imagined.

In responding the war, both of Sinhala and Tamil people do not like the war, and one of Sinhala

people from Trincomalee said (Malinga), “As you had a statement about an interaction between two communities would be the good effective way than violence or nonviolence means. People by heart have to think that ‘Appe Rata Sri Lanka, Appe Matha Sri Lanka’, which means, our country is Sri Lanka, our mother is Sri Lanka” (Sivaloganathan, 2014).

In contrast, the young generation from both places mentioned that war is the only means where Tamil people can get their rights. As one of the young participants from Trincomalee mentioned that, “We have to go to war. War is the only way we can achieve what we want. Last war was failed because of the issues that the LTTE team had within them. I do not think that non-violence would work because the government will not give us an extra seat for parliament and then how can we trust them that they will negotiate the response to non-violent means, they will shoot back us if we do not have guns” (Rubanathan, 2014). Answers from young

generation showed their new hopes in order to get their rights (Sivalogananthan, 2014). Thus, the war is still running while the SLG is reaching their stalemate.

Several nations were totally supporting the peace process. In March, the E.U., the U.S., U.K., Canada, and Australia began exerting heavy pressure on the LTTE to begin serious negotiations to end the conflict. The United Nations Human Rights Commission (UNHRC) in Geneva echoed these concerns. On July 14, Australia's acting foreign minister Bob McMullan appealed to the Sri Lankan armed forces and Tamil rebels to avoid killing civilians during fighting on the Jaffna peninsula, saying that,

“The resumption of full-scale fighting in Sri Lanka underlines the urgent need for a negotiated political settlement to the long-standing ethnic conflict, which will require restraint and compromise on both sides.” (Watch, 1996).

The international communities are triggered to intervene in Sri Lanka by sending humanitarian aid, hoping to alleviate the number of victims and repair some

damaged infrastructures. They also expressed their concern regarding the prolonged civil war that happened in Sri Lanka. They urge the SLG to immediately end the war, including the United States who highlighted the need for the Government of Sri Lanka to provide basic care for the displaced and address the humanitarian situation.

B. Research Question

Based on the background of the topic, this paper has one research question:

How were the efforts of International actors as the third party to conduct peacemaking process in Sri Lanka civil war from 2000 until 2009?

C. Research Purpose

The objective is to know what are the efforts that have been done by International Actors to resolve the prolonged civil war (ethnic conflict) between Sinhalese and Tamils.

D. Theoretical Framework

To help to analyse the Sri Lankan government's efforts and answer the problem, the author uses a conceptual approach. The concept is an abstraction that represents an object, the nature of an object, or a particular phenomenon (Masoed, 1994, p.109). There are two concepts that will be used in this research, they are a third party intervention concept and a peacemaking concept.

(1) The Concept of Third Party Intervention

In the *Turbulent Peace; The Challenges of Managing International Conflict*'s book by Fen Osler Hampson describes the concept of intervention by third parties proposed by four different points of view (approaches). There are two important points in the discussion of the concept of third party intervention, the first being; there is, in fact, a close relationship between the third party parties and the treatment of causes of intercommunal conflict by scholars and policy analysts, on the other; and the second is the existence of four approaches that each approach contains elements that complement the other approaches, like, the causes of intercommunal conflict, conflicts (Hampson, 2001, pp. 387-388).

There are four approaches, namely; hard realism; soft realism; governance-based approaches;

and social-psychological approaches. Each of them has different viewpoint regarding the causes of ethnic and sectarian violence and the strategies, also approaches to intervention. Hard and soft realism stress the role of security dilemmas and strategic factors in ethnic and intercommunal conflict. While governance-based and social-psychological approaches emphasize human rights violations and perceptions of victimization as sources of communal conflict and escalation.

Table 2 1.2 Contending Approaches to Conflict Management

Intervention School	Assumptions about Causes of Conflict	Conflict Management Strategies	Third-Party Intervenor
Hard Realism The Actors; Kenneth Waltz, Richard Haass, Kaufmann	Domestic anarchy, security dilemmas fuelled by hyper nationalism and political mobilization, strategic behaviour, and miscalculation.	<ul style="list-style-type: none"> - Do nothing and avoid intervention - Partition - Containment - Change power balances via military and resource transfers or boycotts and sanctions 	Great powers
Soft Realism The Actors; Lijphart, Donald Horowitz, William Zartman	Domestic anarchy, security dilemmas fuelled by hyper nationalism and political mobilization, strategic behaviour, and	<ul style="list-style-type: none"> - Mediation and coercive diplomacy - Peacekeeping, peacemaking, and other confidence-building measures that reduce incentives to defect from 	Great powers and middle powers; international and regional organization

	miscalculation.	<p>negotiated agreements</p> <ul style="list-style-type: none"> - Power sharing and political accommodation - Isolation/containment of spoilers 	
Governance-Based Approaches The Actors; Paul-LaRose Edwards	Sources of conflict lie in the detail of human rights, due process of law, and absence of democratic institutions	<ul style="list-style-type: none"> - Restoration of rule of law - Elections - Democratic institution building (e.g., support for political parties) - Power-sharing and participatory governance arrangements among different social and communal groups - Restoration of civil society 	International and regional organizations; nongovernmental organizations; other groups in civil society
Social-psychological Approaches The Actors; Harold Saunders, Joseph Montville	Sources of conflict are primarily psychological and based on embedded enemy images and feelings of victimization	<ul style="list-style-type: none"> - Perpetrators must accept responsibility for previous acts of violence - Forgiveness and reconciliation - Problem-solving workshops - Circum-negotiation - Training in dispute 	Scholar-practitioner, conflict resolution NGOs; religious groups

		resolution	
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Source : (Hampson, 2001, p. 398)

This table of assessing four different approaches will help the author to determine which approaches that will be used for the third party intervention in resolving the civil war of Sri Lanka. According to the table above, the writer will use Soft Realism approach to analyse the form of third-party intervention and to know about the strategy of the international community in ending the prolonged civil war in Sri Lanka, because the soft Realism approach emphasizes on peace-making also peacekeeping actions, there is also power sharing, and sometimes using coercive diplomacy in mediating the conflicting parties.

(2) The Peace-making Concept

The use of peace-making concept can help the authors in analyzing what kinds of

interventions that have been done by the international community as a third party in resolving ethnic conflict problems in Sri Lanka. Peace-making is a fairly complicated concept because peace itself can be defined in many different ways.

In the article written by a full-time peacemaker and mediator also as a lawyer, Douglas E. Noll said that,

“Peacemaking implies the use of cooperative, constructive processes to resolve human conflicts while restoring relationships. Peacemaking looks at conflicts as opportunities for people to grow, to accept responsibility for the relationships they are in, and for the potential of apology and forgiveness”.

The concept of peacemaking also explained quite clearly by the UN. In An Agenda for Peace, former United Nations Secretary-General Boutros Boutros-Ghali defined peace-making as “action to bring

hostile parties to an agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations; Pacific Settlement of Disputes.” These actions are carried out during a conflict, violent or latent. They entail the diplomatic process of brokering an end to the conflict, principally through the use of mediation and negotiation skills. United Nations Peace-making excludes the use of force unless imposed action is taken by the Security Council to facilitate the peace-making process.

Outside the UN context, peace-making is sometimes used to refer to a stage of the conflict, which occurs during a crisis or a prolonged conflict after the diplomatic intervention has failed and before peacekeeping forces have had a chance to

intervene. In this context peace-making is an intervention during armed combat.

Peace-making also defined as the diplomatic effort intended to move a violent conflict into nonviolent dialogue, where differences are settled through representative political institutions. The objective of peace-making is thus to end the violence between the contending parties. Peace-making can be done through negotiation, mediation, conciliation, and arbitration. International law provides another channel through international courts (Ouellet, 2003).

According to the description above about the concept of peace-making, it can be concluded simply, the meaning of peace-making is "making peace" or an attempt to reconcile the hostile parties. Peace-making is necessary and it is important to apply it in

conflicts where war crimes and another human devastation demand the attention of the outside forces. Some important things that need to be underlined in the concept of peace-making are to reconcile without violence, but it can imply the use of threats of violent intervention sooner rather than later (Ouellet, 2003).

In the concept of peace-making, there are several methods of peace-making outlined within the UN Charter. Article 33 of the UN Charter specifies:

- a. Negotiation; is a discussion between two or more disputants who are trying to work out a solution to their problem (Conflict, 1998).
- b. Inquiry; An act of asking for information, an investigation did by the third party regarding the conflict in order to collect the information

of the conflict for determining what step that should they take.

- c. Mediation; is a process in which a third-party neutral assist in resolving a dispute between two or more other parties. It is a non-adversarial approach to conflict resolution (Honeyman & Yawanarajah, 2003).
- d. Conciliation; is an alternative out-of-court dispute resolution instrument. conciliation is a voluntary proceeding; where the parties involved are free to agree and attempt to resolve their dispute by conciliation, flexible; allowing parties to define the time, structure and content of the conciliation proceeding, confidential; the parties seek to reach an amicable dispute settlement with the assistance of the conciliator, who acts as a neutral third party, and the conciliator will be

asked by the parties to provide them with a non-binding settlement proposal (e.V.).

- e. Arbitration; is an extra-judicial mechanism through which conflicts can be solved. It is an adversarial process, which is governed by the principle of party autonomy. This means that it is the parties to a conflict who determine whether they want their dispute to be solved through arbitration (Leb, 2003).
- f. Judicial Settlement (Adjudication generally refers to processes of decision making that involve a neutral third party with the authority to determine a binding resolution through some form of judgment or award (Yarn, 1999).
- g. Resort to regional agencies or arrangements as modes of peaceful intervention in violent conflicts.

It is important to note that all U.N. Charter justifications for peace-making were based on the concept of sovereign states. That is, there is no support for intervention in civil wars in the U.N. Charter itself. However, the Agenda for Peace, written under the auspices of former Secretary-General Boutros Boutros-Ghali, changes the conception to allow for intervention in civil wars.

The concept of peace-making will be useful for the writer to analyze what type or method of peace-making that has been used by the international community. There might be more than one methods of peace-making.

E. Hypothesis

Based on the issue of the topic, this thesis would like to use the concept of Peacemaking and the concept of Third Party Intervention to categorize the efforts of the

international actors as third party to conduct peacemaking process in Sri Lanka civil war (2000-2009) as follows:

1. The Third Party Intervention, such as; humanitarian aids by USAID (United States Agency for International Development); financial and reconstruction aids by Norway through NERF (North East Reconstruction Fund); military weapons supply from China, Pakistan, the US; and also an aid of military troops through IPKF (Indian Peace Keeping Force) to help the SLG in order to create a stable condition.
2. A peacemaking, through; negotiation, mediation, conciliation, a ceasefire agreement by Norway and also the US.

F. The scope of the Research

In this research, the author will focus on the efforts made by the international actors to conduct peace process in Sri Lanka civil war. This research will focus on 2000-2009 during the intervention of the international

actors to conduct peacemaking in Sri Lanka civil war. The third party term that will be used in this paper is referred to the international actors which are nation-states.

G. Research Methodology

A qualitative approach will be used in this research due to the need of research subjects observation such as behavior, perception, motivation, action, etc. holistically and by way of description in the form of words and language, in a special context of the natural and by utilizing various of natural methods (Moleong, 2005). This research will also use data collection techniques which is the most important step because the purpose of this study is to get answers based on the data obtained. The author uses secondary data in the form of literary studies in which the data are taken from books, journals, official websites, conventions, official reports and research scientists and mass media relevant to this research.

H. Structure of Writing

As for the systematics of this writing, the writer would outline as follows:

Chapter I describes the general aspects which comprise of the background of the issue, research question, research purpose, theoretical framework, hypothesis, the scope of research, research methodology and the structure of the paper.

Chapter II explains the history and dynamics of the ethnic conflict/ the prolonged civil war that has been running for around 25 years and the effects of it.

Chapter III discusses what peace efforts that have been done by the Sri Lanka Government (SLG) to end the prolonged civil war in Sri Lanka.

Chapter IV focuses on what are the efforts have been carried out by the international actors to conduct peacemaking in Sri Lanka civil war.

Chapter V contains the conclusion of all the explanation that has been analyzed in the previous chapters.