

CHAPTER V

NORWEGIAN FACILITATED PEACE TALKS

LTTE's Peace Gesture

The LTTE leader, Mr Pirapaharan expressed his desire for peace and a negotiated political settlement to the Tamil national conflict when he met the Norwegian peace envoys for the first time on 31 October 2000, at Malavi, in the northern Vanni region. Mr Erik Solheim, Special Envoy for Sri Lanka, Mr Jon Westborg, the Ambassador in Colombo, and Ms Kjersti Tromsdal, Executive Officer in the Royal Ministry of Foreign Affairs, had extensive discussions, lasting more than two hours, exploring the feasibility of initiating a peace dialogue between the Sri Lankan government and the LTTE.

The LTTE was willing to enter into a negotiating process with the Sri Lanka government, Pirapaharan told the Norwegian delegation. However, Kumaratunga's regime was bent on a military option, intensifying the war to conquer the Tamil homeland, the Tiger leader explained. Commenting on the prospects for peace negotiations, Pirapaharan insisted that a process of deescalation and normalisation was a necessary pre-requisite for talks. He said peace talks could not take place under conditions of war. The process of de-escalation, he further explained, should involve the total cessation of armed hostilities, the removal of the economic embargo, and the restoration of the conditions of normalcy in the Tamil homeland. The LTTE leader insisted that the Kumaratunga government should abandon the military option if it was genuinely seeking peace and reconciliation. The Norwegian delegation, on their return to Colombo, met president Kumaratunga and conveyed the views of the LTTE leader. The President was not favourably

disposed to the idea of de-escalation prior to negotiations.

Following the meeting between the LTTE leader and the Norwegian peace envoys, Norwegian Deputy Minister of Foreign Affairs, Raymond Johansen wrote to Pirapaharan informing him of the decision of the Norwegian government to present a set of proposals to both parties in conflict in the form of a 'Memorandum of Understanding' to 'improve the humanitarian situation and ease the human suffering. The letter, dated November, 2000, stated:

Dear Mr Pirabakharan,

Representatives of the Royal Norwegian Government have over the past 18 months maintained regular contact with Her Excellency, the President and Minister of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka on one side, and Mr Anton Balasingham as the appointed representative of the Liberation Tigers of Tamil Eelam on the other. Recently they also met you as the leader of the LTTE.

The Norwegian Government has maintained these contacts with the purpose of assisting the parties in exploring the possibilities of direct negotiations towards a solution to the ongoing conflict in Sri Lanka.

Based upon the above and the recent dialogue with Her Excellency the President and yourself, it is the opinion of the Norwegian Government that both the Government of Sri Lanka and the LTTE are interested in establishing negotiations towards a political settlement to the conflict.

After careful analysis the Norwegian Government has found it appropriate to present a proposal to the Parties in the form of a Memorandum of Understanding on Humanitarian Measures. If agreed upon and implemented by the Parties this will improve the humanitarian situation and ease the human suffering and hopefully contribute to creating an atmosphere conducive for negotiations.

Yours Sincerely,

Raymond Johansen

The Norwegian government issued copies of the document entitled 'Memorandum of Understanding on Humanitarian Measures' to both the Government of Sri Lanka and the LTTE. 'The purpose of this Memorandum of Understanding (MOU) is to create an atmosphere conducive for a negotiation process that will lead to a peaceful settlement and to take measures to improve the humanitarian situation and reduce the human suffering caused by the conflict,' the document declared. The Norwegian proposal called upon both the parties to take parallel action as follows:

- (a) Ensure the flow of non-military goods to Vanni. GOSL will facilitate improved flow of goods by the Madhu check point, open a new check point on the A9 north of Vavuniya and institute effective clearing of goods through checkpoints. LTTE shall ensure the flow of non-military goods within Vanni and see that the goods reach the civilian population.
- (b) Refrain from attacking civilian targets. All acts such as assassinations, bomb explosions, sabotage, violent intimidation of political groups or individuals will be considered a violation of the MOU.

The Norwegian Memorandum also suggested the establishment of an international Humanitarian Monitoring Mission to monitor the flow of goods.

The LTTE leadership informed the Norwegian government that it was seriously considering the proposals outlined in the MOU. In his annual Heroes' Day speech of 27 November 2000, the LTTE leader referred to the Norwegian MOU as 'positive proposals of confidence building goodwill measures that would facilitate the process of de-escalation leading to cessation of hostilities. If the government takes the initiative we will respond positively,' he said.

Kumaratunga's government was slow in responding to the Norwegian initiative. In the meantime, to impress upon Oslo and the international community that it was sincerely and seriously committed to peace and a negotiated settlement, the LTTE made an surprise announcement of a month long unilateral ceasefire from midnight 24 December 2000, as a goodwill measure to facilitate the peace process. The LTTE's press release stated:

'Mr Velupillai Pirapaharan, the leader and military commander of the Liberation Tigers of Tamil Eelam

has issued orders to all units and combat formations of the Tamil liberation army to cease hostile military actions against the Sri Lanka armed forces from midnight 24th December 2000 to midnight 24th January 2001.

‘We make this declaration of cessation of armed hostilities unilaterally, hoping that the Sri Lanka government will reciprocate positively and instruct its armed forces to observe peace during the festive season of Christmas, New Year and Pongal (Hindu Harvest Festival). Our decision to cease armed hostilities should be viewed as a genuine expression of goodwill indicating our sincere desire for peace and negotiated political settlement. We offer this space of peace to facilitate and promote initiatives to create congenial conditions of normalcy de-escalating the armed confrontation.

‘If Sri Lanka responds positively by ceasing armed hostilities against our forces and takes steps to implement the Norwegian proposal of mutual confidence building measures, the LTTE will be prepared to extend the period of peace to create cordial conditions for a stable ceasefire and direct negotiations.’

The Sri Lankan government’s response was negative. A statement issued by the Presidential Secretariat on 23 December 2000 abruptly rejected the LTTE’s offer of ceasefire, asserting that the offensive military operations against the Tamil Tigers would continue. The government’s statement also bitterly remarked that ‘..gestures of goodwill are unnecessary before negotiations.’ The government held the position that a ceasefire need not precede negotiations. The issue of declaring cessation of hostilities could only be taken up when negotiations progressed to a satisfactory level, the government’s statement declared. In other words, President Kumaratunga was not prepared to give up the military option. She wanted to continue offensive operations against the Tamil Tigers while engaging them in a peace dialogue. The President’s stand was unacceptable to the Tigers; they were not willing to talk while fighting. The contradictory positions of the protagonists stalled the Norwegian peace initiative.

The Sri Lankan military establishment was facing a crisis at that conjuncture. It had suffered major military debacles in the battlefields of Vanni, with casualty figures running into several thousands. In a series of offensives code-named 'Unceasing Waves' the LTTE overran several military complexes, considered by the Sri Lanka military to be impenetrable fortifications. In July 1996, for example the Tigers wiped out the vast military complex at Mullaitivu. One thousand and three hundred troops perished in that bloody battle.

The Sri Lankan army's most ambitious military campaign became its worst military nightmare when the government forces launched 'Operation Jaya Sikurui' (Victory Assured), to capture the A9 highway that runs through the LTTE controlled Vanni region. It was the longest military operation, lasting from 13 May 1997 till 4 December 1998, nearly 18 months. The strategic objective of the campaign was to seek out and destroy the LTTE's jungle bases and to incapacitate the combat capability of the guerrilla army. However, when the Tiger guerrillas lured the invading soldiers into their familiar jungle territory and launched fierce counter-attacks, the government's military project turned into a major calamity. As the guerrilla resistance intensified, the advance of the state's military forces ground to a halt. For months the 'Jaya Sikurui' troops were bogged down in positions which eventually became killing fields. Then, in September 1998, the LTTE guerrillas recaptured Killinochchi, a strategic town in the heart of Vanni mainland. Heavy casualties were inflicted on the army. With the fall of Killinochchi, the government was compelled to abandon its military campaign to capture the A9 highway.

Though the 'Jaya Sikurui' troops failed to achieve their strategic objective, they captured huge tracts of territory in eastern and western sectors of the Vanni mainland. To liberate these lands, LTTE guerrillas launched a major counter-offensive operation in November 1999, code-named 'Unceasing Waves 3'. The speed, scale and intensity of the counter assault stunned the Sri Lankan forces. For days major military complexes fell, one after another. Unable to withstand the ferocity of the offensive assault, the occupation army fled in total disarray. It was a spectacular military victory for the LTTE. Within weeks the eastern and western sectors of Vanni mainland and large areas of Weli Oya came under the

control of the Tamil Tigers. According to official LTTE estimates, over five thousand Sri Lankan troops perished and double that number were injured in the battle of 'Jaya Sikurui' and the counter-offensive operation 'Unceasing Waves 3'.

The Sri Lankan state's military offensives against the Tamil Tiger guerrillas and the ambition of President Kumaratunga to conquer the Tamil homeland received another disastrous blow when the Liberation Tigers took control of the army bases at Yakachchi and Elephant Pass in April 2000. These giant military complexes situated at the gateway to Jaffna and considered to be impregnable, were overrun by the combat formations of the LTTE on 22 April, after 48 hours of bloody and fierce fighting. Over one thousand Sri Lankan troops were killed and the remaining forces fled in terror and disarray. The fall of the sprawling twin complexes, the bastions of the government's protection of the peninsula from guerrilla incursions, shocked the Sri Lankan Defence establishment.

These series of disastrous military setbacks in the battles of Vanni, culminating in the humiliating defeat at Elephant Pass, severely damaged the combat capability of the Sri Lankan ground forces. For the Liberation Tigers, the capture of these strategic base complexes was a remarkable military achievement that tipped the balance of forces in their favour.

When the LTTE declared a unilateral cessation of hostilities on Christmas Eve 2000, the organisation was on a stronger military foundation. Furthermore, apart from the Jaffna peninsula and Mannar island, it had established administrative control over the entire northern region and large stretches of territory in the eastern province. As the *de facto* administrators of vast areas of the northern Tamil homeland and maintaining a balance of military power, the Tamil Tigers indicated their willingness to embark on the process of political negotiations. However, President Kumaratunga rejected Pirapaharan's offer of peace. In the LTTE's view, the President had her own agenda. She was not prepared to abandon her 'war for peace' strategy, which aimed at militarily crippling the Tamil Tigers before political negotiations. Undaunted by disastrous debacles in the battlefield, President Kumaratunga and her military commanders were planning a massive counter-offensive thrust to regain Elephant Pass.

The LTTE leadership extended the unilaterally observed cease-

fire for four months, in spite of extreme provocations, hoping that the Kumaratunga administration might reciprocate favourably. Convinced beyond doubt that the government was adopting a hard-line position and opposed to seeking peace, the Tigers finally decided to call off their unilateral ceasefire at midnight, 24 April 2001. In an official statement issued from its headquarters in Vanni, the LTTE explained:

‘We are compelled to make this painful decision as a consequence of the hard-line, intransigent attitude of the Sri Lankan government which has not only refused to reciprocate positively to our peace gesture but intensified land, sea and air attacks, causing heavy casualties on our side. It has become impossible to contain the military assaults of the enemy with our self-restrained defensive tactics without resorting to counter-offensive operations. Under such dangerous conditions we can no longer sustain our self-imposed truce, which the enemy has been exploiting to its own military advantage.

‘During the last four months of our self-imposed ceasefire we suffered serious setbacks militarily losing strategically important territory in the Jaffna Peninsula and suffering substantial casualties. Over 160 cadres have been killed and 400 injured, Civilian settlements of the coastal villages of Mullaitivu and Trincomalee have been subjected to regular and systematic aerial bombardments that caused heavy casualties and massive property damage. Though the LTTE has been strictly and rigorously observing cessation of hostilities, the Sri Lanka armed forces have been relentlessly engaged in hostile military operations to frustrate and demoralise our fighters. Furthermore, Sri Lanka government has been importing lethal weapon systems and boosting up its Navy and Air force with the objective of strengthening and modernising its armed forces in preparation for an all-out war. On our part we have co-operated in every possible way with the Norwegian government in their facilitatory peace efforts. Our ceasefire for the last

four months was intended to create a congenial atmosphere conducive for talks.

‘We remain seriously committed to peace and to peacefully resolving the protracted ethnic conflict though we are compelled to withdraw our self-proclaimed cessation of hostilities, which turned out to be a futile exercise as Sri Lanka has failed to recognise its constructive meaning and purpose. Our liberation organisation will continue to support and cooperate in every possible way with the Norwegian government in its untiring and noble effort to bring about peace and negotiated political settlement to the Tamil national conflict.’

‘Fire Flame’: The Decisive Battle

Within hours of the termination of the LTTE’s four months of ceasefire, the Sri Lankan armed forces unleashed a major offensive on the Tamil Tigers’ defence positions in the southern sector of the Jaffna peninsula. The combined armed forces were fully mobilised in this well planned, well co-ordinated offensive campaign. In the early hours of 24 April, twelve thousand troops from the Sri Lankan Army’s 52, 53 and 55 Divisions launched a multi-pronged thrust along the LTTE’s front defence lines at the Killali, Muhamalai, and Nagar Kovil axis. Heavy artillery, tanks and multi-barrel rocket fire supported the ground troops. Amid incessant sorties by Israeli jet fighters, the naval gunboats pounded the LTTE positions. Aptly code-named ‘Fire Flame’ (Agni Kheela), referring to the massive firepower employed in the operation, it was a ferocious assault. Deputy Defense Minister, Anurudha Ratwatte, and the Chiefs of the Armed Forces were stationed at Pallali military base in the Jaffna Peninsula to co-ordinate and supervise the offensive campaign. The presence of the top military hierarchy underlined the importance the government gave to this campaign. The strategic objective of the operation was to recapture the Elephant Pass base complex. Convinced of the possibility of a major military victory, the government despatched to Jaffna a team of journalists from Colombo to cover the military operation.

In the initial stage, after a few hours of fierce fighting, the Sri Lankan troops breached the LTTE's heavily entrenched forward lines at three locations and advanced one and a half kilometres inside Tiger territory. The LTTE combat formations, including the battle-hardened Special Forces commandos, had anticipated an offensive and therefore were well prepared with a counter-offensive strategy. During the months of ceasefire, the LTTE fighting units painstakingly worked out a meticulous plan to lure the invading troops to locations targeted for artillery and mortar fire and to entrap them in camouflaged minefields. In accordance with this plan, the LTTE forces tactically withdrew to the second line of defence, allowing the troops to advance into the interior, without heavy resistance.

The invading Sri Lankan troops marched straight into the Tiger trap. Without knowing the perils that lay ahead, they were jubilant at having captured eight square kilometres of territory within three hours, with little resistance. Then, suddenly, the LTTE combat units struck back in fury with formidable firepower. Artillery, heavy mortars and multi-barrel rocket launchers rained thousands of shells on the Sri Lankan troop positions. The advancing columns were thrown into confusion and chaos. The formations broke and fled, straight into the minefields. It was a nightmare for hundreds of Sri Lankan troops caught in these killing fields.

Meanwhile, on the other fronts, the fighting was savage and brutal and the government's casualty figures were high. In the Nagar Kovil sea and on the Killali lagoon, Sea Tiger gunboats engaged the Sri Lankan Navy vessels in intense battles and prevented an amphibious landing of reinforcements inside Tiger territory. In the late evening, the LTTE combat units fought and drove the Sri Lankan troops back to their original positions at Killali and Nagar Kovil. The following day, heavy fighting broke out between the LTTE forces and the Sri Lankan columns that had advanced and consolidated positions along the A9 highway from Muhamalai. These troops were encircled and subjected to sustained artillery and mortar fire.

The battle of 'Fire Flame' lasted for 72 hours. Battered and beaten and with ever mounting casualties, the Sri Lankan troops were finally forced to withdraw. Six hundred soldiers were killed and over two thousand injured in the fighting. Hundreds of troops

caught in the minefields lost their limbs. The LTTE lost 141 male and female cadres.

The government cancelled all civilian flights from Pallali Air Base and brought in additional aircraft to transport the large number of injured soldiers to the capital Colombo and the provincial hospitals at Anuradapura and Vavuniya, among others. The journalists assembled at Pallali airport saw for themselves the scale of the military debacle, as hundreds of dead and injured soldiers were hurriedly flown out to unknown destinations. A military columnist titled his article questioning, 'Why the 'Fire Flame' failed to burn?'

'Operation Fire Flame' was the last military campaign undertaken by the Sri Lankan army in its war with the Tamil Tigers. It was a decisive battle that demonstrated that the LTTE was an invincible military force with formidable combat capability in defensive and offensive warfare.

Following this disastrous military defeat, the Kumaratunga regime was compelled to abandon the military option. Nevertheless, the government was not willing to favourably consider the Norwegian Memorandum of Understanding, nor was it prepared to enter into a peace dialogue with the Tamil Tigers unconditionally. It was in these circumstances, the Sri Lanka government faced another major disaster, with far-reaching consequences.

In the early hours of 24 July 2001, coinciding with the anniversary of the anti-Tamil riots of 24 July 1983, a 14-member commando unit of the LTTE launched a daring assault on Sri Lanka's most protected security complex in the outskirts of Colombo. The target of the attack was the Sri Lanka Air Force base at Katunayake, 20 miles north of the capital, the island's largest airbase complex, and the adjoining Bandaranaike International Airport, the only civilian airport linked to the outside world.

It was a meticulously planned operation, undertaken after months of intelligence gathering about the airbase's complex security system. The Tiger assault unit, in military uniform and carrying anti-tank weapons, rocket-propelled grenade launchers, general purpose machine guns and T56 assault rifles, infiltrated the heavily guarded air base at around 3.30a.m. Within minutes, before the security personnel could react, widespread destruction of military aircraft ensued. Eight air-force planes - two Israeli Kfir fighter jets,

one Russian MIG fighter aircraft, two MI 17 helicopter gunships and three Chinese advanced training craft - were destroyed. As the military aircraft were set ablaze, intense fighting broke out between the LTTE commandos and air force security personnel. An hour later, the LTTE commandos moved to the adjoining international civilian airport across the tarmac. As airport staff and the panic stricken passengers scrambled for safety inside the airport buildings, the LTTE fighters attacked commercial aircraft and oil storage tanks. Three passenger aircraft belonging to Sri Lankan airlines, including two new airbuses, an A330 and an A340, were destroyed and another three severely damaged. Altogether 11 aircraft, both civilian and military, were destroyed and three civilian were seriously damaged in the raid.

Stunned by the scale and extent of the destruction the Sri Lankan government rushed troops to Katunayake. The terminal and airfield became a battle ground from morning till mid-day. In the six-hour battle that raged between the Tamil Tiger commandos and a crack unit of the army's special forces, all the LTTE fighters were killed. Some of them committed suicide when surrounded and depleted of ammunition. Six military personnel were killed and scores were injured.

As a liberation movement fighting a war against the Sri Lankan state, the LTTE devised the assault with military and economic objectives. Militarily, the supersonic jets and helicopter gunships posed a serious threat. Under the guise of fighting 'terrorism', the Sri Lankan state increasingly utilised its air power to attack civilian targets. Furthermore, the LTTE's air defence system was woefully inadequate for containing the threat posed from the air by the enemy. Therefore, the LTTE leadership planned the ground assault on the airbase to neutralise the destructive potential of the air force. The civilian airport, in the calculations of the Tamil Tigers, was an important economic target. The LTTE aimed to inflict a major economic blow on the country by destroying the Sri Lankan state's assets. The cost to the country of the destroyed civilian and military aircraft was estimated to be 500 million dollars. Therefore the raid on Katunayake, in the LTTE's strategic planning, achieved its objectives.

The noteworthy aspect of the whole operation was that no foreign tourists, passengers or civilians were killed or injured. Though

confronted with the fierce fighting inside and outside the airport terminal, the LTTE commandos clinically avoided civilian casualties.

As anticipated, the LTTE's assault on the airport had a crippling affect on the Sri Lankan economy. It seriously affected the tourist industry, a main source of national income. The violent episode at the airport and widespread international publicity it received sharply curtailed the flow of tourists. The event also had a negative impact on foreign investment. The war had already shattered business confidence. The Annual Report of the Central Bank of Sri Lanka for 2001 announced a negative real growth of 1.4%, characterising the gloomy situation as 'the first economic contraction since gaining independence in 1948, with increased inflation and worsened macroeconomic imbalances.' Having given a dismal picture of the Sri Lankan economy, the Central Bank commented that the future growth and progress of the economy 'depend on the restoration of peace.' To quote the Annual Report in this context:

'The progress, of course, would also depend on the restoration of peace in the country. The continuing war has been an economic drain on this country, in terms of both human and material resources. In addition, it has significantly suppressed the growth potential of the economy. In economic terms, the country cannot continue to bear the cost of prolonged war, and hence, a speedy resolution of the conflict is essential.'¹

New Government in Colombo

Kumaratunga's government faced a crisis, politically, economically and militarily. The only alternative open to it was peace and a negotiated political settlement. On the instructions of the President, Foreign Minister Kadirgamar approached the Norwegian Ambassador, Mr Jon Westborg, to discuss possible ways to re-open the peace process. Mr Westborg told the Foreign Minister that the LTTE leadership distrusted the Kumaratunga regime after the offensive operation 'Fire Flame'. Furthermore, the Ambassador conveyed to Mr Kadirgamar that the Tigers were disappointed with the government's failure to reciprocate positively to the unilateral

ceasefire declared as a gesture of peace.

Because of the mounting politico-economic crisis, the Kumaratunga government indicated a willingness to engage the Tigers in peace talks, but the President was not prepared to meet the terms stipulated by the LTTE leadership as pre-requisites for resuming talks. The LTTE demanded lifting the government's ban on the organisation, removing the economic embargo on the Tamil nation and declaring a mutually agreed cessation of hostilities as necessary pre-requisites to create a congenial condition conducive for peace talks.

In the meantime, in September 2001, the Labour government of Norway resigned, paving the way for the formation of a new coalition government of Conservatives and Christian Democrats. Mr KM Bondevik became the Prime Minister of the new government with Mr Jan Petersen as Foreign Minister. Mr Vidar Helgesen was appointed Deputy Foreign Minister and made responsible for the Sri Lanka peace, process along with Mr Erik Solheim as Special Envoy. The new government pledged to continue with its facilitatory role in helping the parties in conflict to find a negotiated settlement to the ethnic conflict.

Sri Lanka also faced a parliamentary general election on 5 December 2001. The issue of peace and negotiated settlement to the Tamil issue figured as the central themes in the election campaigns in the Sinhala south. The main opposition United National Party (UNP), under the leadership of Mr Ranil Wickremasinghe, sought a clear mandate from the Sinhala people for peace and negotiations with the Tamil Tigers. The UNP's Manifesto of 2001 stated:

'Our prime objective is peace. We stand for peace and peace alone. All these years, our opponents have ruthlessly and viciously misinterpreted our proposals to solve the national issue. We will end the war and build national unity. We will bring about a political solution acceptable to all those who are party to the crisis, within the framework of an undivided Sri Lanka. We will initiate this process with a warm heart and a cool head....

'Once we come to power, we will initiate a dialogue with all political parties, the clergy and civil

society organisations, in order to arrive at a broad-based political solution, acceptable to all. We will also involve the LTTE in the process.

‘We will not introduce constitutional reforms until we have arrived at a political solution acceptable to the majority of all communities.

An interim administration will be set up for the northern and eastern provinces.

We will appoint an independent commission to solve the problems of people who have been displaced and rendered helpless by war.

This sensitive issue should be adequately discussed by all sections of civil society. We are aware of the acute suffering undergone by the people of the North and East on a daily basis, owing to the lack of food, medicine, and other essentials. We also understand the strain that legitimate travellers have to undergo when visiting their loved ones. Once elected we will take immediate steps to make life easier for them.’

Realising that peace had become the cardinal issue in the southern electorate between the political forces who supported it and those extremists who opposed it, Mr Pirapaharan, in his annual Heroes’ Day speech on 27 November 2001, made an appeal to the Sinhala people to identify and reject the ‘racist forces committed to militarism and war.’ The LTTE leader stated:

‘Having assumed itself as the most crucial and cardinal issue in Sri Lankan politics, the Tamil national conflict has effectively polarised the political forces towards two contradictory positions: between war and peace. The elections have become a competitive arena between the forces that seek peace and the extremist forces that are opposed to peace. The general public is given the responsibility of choosing as to whether there will be peace in the future or if the war will continue. The Sinhala people should realise that there can be no peace, ethnic harmony and economic prosperity in the island as long as the Tamil people are denied justice and their political

aspirations are not fulfilled.

We are not enemies of the Sinhala people, nor is our struggle against them. It is because of the oppressive policy of the racist Sinhala politicians that contradictions arose between the Sinhala and Tamil nations, resulting in war. We are fighting this war against a state and its armed force determined to subjugate our people through force of arms. We are well aware that this war has not only affected the Tamils but also affects the Sinhala people deeply. Thousands of innocent Sinhala youth have perished as a consequence of the repressive policies of the war mongering ruling elites. We are also aware that it is the Sinhala masses who are bearing the economic burden of the war. Therefore, we call upon the Sinhala people to identify and renounce the racist forces committed to militarism and war and to offer justice to the Tamils in order to put an end to this bloody war and to bring about permanent peace..’

In the parliamentary elections the UNP swept to victory with a popular mandate for peace and negotiated settlement to the Tamil national question. Mr Wickremasinghe was sworn in as the new Premier. Having assumed power the new Prime Minister met the Norwegian Ambassador, Mr Westborg, and expressed the desire of his government to engage the LTTE in peace talks. He urged the Royal Norwegian Government to continue facilitatory efforts to initiate a dialogue between his government and the Tamil Tigers. Ranil also conveyed a message to the LTTE leadership, through the Ambassador, that his government would soon implement measures to bring relief and redress to the Tamil people.

As an expression of goodwill to the new government, the LTTE announced a declaration of a month long unilateral ceasefire, beginning on midnight 24 December 2001, and called upon Ranil’s administration to respond positively. Announcing the decision, the LTTE’s statement said:

‘Encouraged by the collective mandate for peace and ethnic harmony given by the Sinhala and Tamil masses at the general election, the LTTE leadership has decided to declare, unilaterally, a month long

cessation of armed hostilities during the festive season of Christmas, New Year and 'Thai Pongal' (Hindu harvest Festival) as a gesture of goodwill to facilitate the promotion of peace initiatives. We fervently hope that the new government of Sri Lanka will reciprocate positively to our goodwill gesture and instruct its armed forces to observe peace during this period. Our decision to cease armed hostilities and observe peace during the festive season should be viewed as a genuine expression of goodwill, demonstrating our sincere desire for peace and negotiated political settlement. We are confident that the new government will utilise this space of peace to implement goodwill measures to create congenial conditions of normalcy in the Tamil homeland by withdrawing the economic embargo and other restrictions and prohibitions imposed on our people.'

'If the Sri Lanka government reciprocates positively to our goodwill gesture and ceases armed hostilities against our forces and takes immediate steps to remove the economic embargo and other restrictions, the LTTE will favourably consider extending the period of cease-fire to create cordial conditions for a stable peace and de-escalation.'

The new government reciprocated favourably to the LTTE's unilateral declaration of cessation of hostilities. However, though the government declared cessation of hostilities from midnight 24 December, the security forces and police were instructed to continue to carry out operations in the military controlled Tamil areas. The government also announced that naval operations conducted at sea 'to prevent the import of arms, ammunition and other military equipment would continue.' The LTTE leadership was not pleased with the instructions given to the security forces. After discussing the implication of the issue with me, Mr Pirapaharan requested that I convey his displeasure to the new government through the Norwegians. I sent the following message to Erik Solheim on 27 December 2001 to be conveyed to Ranil's administration:

'Mr Pirapaharan requests you to convey to the leadership of the new government in Colombo his

displeasure over certain specifications in the instructions given to the Sri Lankan armed forces by the military hierarchy with regard to the observation of cessation of hostilities. The LTTE leader is of the opinion that the continuation of the restrictions on the freedom of movement of civilians and the presence of innumerable barricades and checkpoints in the military occupied zones in the northeast cause serious inconvenience to the public. The decision to carry on the cordon and search operations, according to him, will not facilitate de-escalation of the conflict and restoration of normalcy but rather provoke incidents, which might spark-off confrontations. Mr Pirapaharan also wishes to state that Sea Tiger units will fight back in self-defence if they are subjected to deliberate offensive attacks by the Sri Lankan navy. Naval and aerial attacks on Sea Tiger bases causing serious casualties will be considered as hostile action contravening cessation of hostilities, Mr Pirapaharan said'.

Pirapaharan's message was conveyed to Ranil Wickremasinghe through the Norwegian Ambassador in Colombo. The response from the government was immediate. The government's message emphasised that the Prime Minister was earnest and sincere in his commitment to find a solution to the Tamil issue. The government also indicated its willingness to work out parameters and rules for a mutually agreed ceasefire instead of two unilateral declarations of ceasefire. The message addressed to the LTTE leadership further stated:

'It should be emphasised that Sri Lanka government also has issues of critical importance regarding the operation of the cessation of hostilities which needs to be taken up with the LTTE on an urgent basis.

'At the outset both the parties must clearly understand that the current situation is not the result of an agreed cessation of hostilities. In fact the ground realities are results of two unilateral declarations. The very nature of this reality lends itself to

misunderstandings and tensions. It will be in the mutual interest of both parties to exercise caution and to co-operate wherever possible.

‘Given the above, in order to avoid further misunderstandings, it is desirable that the two parties immediately freeze the ground situation and urgently agree upon the parameters and ground rules under which the cessation of hostilities should operate.’

A Mutually Agreed Ceasefire

Accepting the critical importance of formulating a mutually agreed cessation of hostilities, the LTTE leadership informed the Norwegian government that the organisation was prepared to discuss the modalities, parameters and round rules of a structured ceasefire. The LTTE also told the Norwegians that it would submit proposals to the government of Sri Lanka for the formulation of a general framework of a bilateral ceasefire for discussion and consideration. Until both parties worked out a mutual framework with the facilitation of Norway, the LTTE suggested that the government should cease all cordon and search operations and arrests and ‘freeze the ground situation’. Furthermore, if the new government was sincerely committed to the removal of all injustice and inequalities faced by the Tamil population, Ranil’s administration should ensure that all essential items that were freely available to the Sinhala people in the south should also be available to the Tamils in the northeast, the LTTE argued.

The LTTE’s request was communicated to the Prime Minister and the response was prompt. The Norwegians informed us that the Government of Sri Lanka would cease all cordon and search operations and arrests. The government also pledged to lift the economic embargo from 15 January 2002 to allow the free flow of essential items to Tamil areas as worked out in the Norwegian Memorandum of Understanding.

In the meantime, Ranil Wickremasinghe appointed a committee with overall responsibility for the peace process and negotiations under two of his senior ministers, Professor GL Peiris, Minister of Constitutional Affairs, and Mr Milinda Moragoda, Minister of Economic Reforms. The Prime Minister also established a Peace

Secretariat headed by Mr Bernard Goonetilleke, the Sri Lankan Ambassador to China. Furthermore, he wrote to the Norwegian Prime Minister, Mr Bondevik, requesting the Oslo government to continue with the facilitation process. The LTTE was asked to formally make a similar request. On the 1 January 2002, Mr Pirapaharan sent the following letter to Mr Bondevik:

Dear Prime Minister,

To begin with, allow me to express my sincere gratitude and appreciation of the indefatigable effort and valuable assistance provided by the Royal Norwegian Government over the past two and a half years to promote a negotiated political settlement to the Tamil national question in Sri Lanka. I also wish to commend the Norwegian government for its impartiality and objective neutrality shown in the delicate practice of facilitation. Such a noble approach is widely appreciated by the Tamils in Tamil Eelam as well as by the Tamils living throughout the world.

I am writing this letter to you to seek your government's continuous engagement as the facilitator to help the parties in conflict to find a stable peace and a permanent settlement to the ethnic conflict.

V Pirapaharan
Leader
Liberation Tigers of Tamil Eelam

The Norwegian Prime Minister responded thus:

Dear Mr Pirabakaran,

With reference to your letter of 1 January, I would like to assure you of my government's commitment to help to bring the parties together to reach a peaceful political settlement to the ethnic conflict in Sri Lanka.

We are pleased by the LTTE's constructive approach to the process and hope that the renewed level of confidence between the parties can ease the path towards peace.

I have delegated the responsibility for the Norwegian assistance in the peace process to my

Minister of Foreign Affairs, Mr Jan Petersen, and his State Secretary, Mr Vidar Helgesen, who will follow the process on a day to day basis.

With my best wishes for successful peace talks, I remain.

Kjell Magne Bondevik

The Norwegian facilitators took up the responsibility of formalising the unilaterally declared cessation of hostilities into a comprehensive framework for a mutually agreed formal ceasefire. In this context, the Norwegians requested both the parties - the Government of Sri Lanka and the LTTE - to submit proposals. On 7 January 2002, the LTTE submitted its proposals to Mr Vidar Helgesen, as general guidelines or modalities, for the proposed truce. Having received proposals from both parties, the Norwegians undertook the difficult task of formulating a framework that would be acceptable to both parties. Vidar Helgesen, Erik Solheim, Jon Westborg and Kjersti Tromsdal had several rounds of discussions with me in London and with the representatives of the Sri Lanka government to work out a mutually accepted document. During the months of January and February, I was in constant communication with Mr Pirapaharan to receive his inputs, amendments, revisions and improvements. I should compliment the Norwegian facilitators for their patience, untiring and skilful effort in formalising and finalising a ceasefire framework acceptable to the warring parties with a long history of mutual distrust and hostility.

The leader of the LTTE signed the ceasefire agreement first, on 22 February, followed by the Sri Lankan Prime Minister, Ranil Wickremasinghe. Meanwhile, Mr Jan Petersen and his deputy, Mr Vidar Helgesen called a press conference in Oslo to make the ceasefire agreement public. At the press conference Mr Petersen explained:

‘The overall objective of the parties is to find a negotiated solution to the ethnic conflict in Sri Lanka, which has cost 60,000 lives and caused widespread human suffering.

‘Through this formalised ceasefire the parties commit themselves to putting an end to the hostilities. They commit themselves to restoring normalcy for

the inhabitants of Sri Lanka, whether they are Sinhalese, Tamils, Muslims or others. And they commit themselves to accepting an international monitoring mission, led by Norway, which will conduct on-site monitoring.

‘Both sides have taken bold steps to conclude the ceasefire, and this agreement is a message that they are prepared to continue taking bold steps to achieve peace. They are embarking on a long road towards a political solution. It will not be easy. It will require determination and courage. The parties will face risks and uncertainties, and they will have to make hard choices. But no hardships are worse than those of conflict and bloodshed. No gains are greater than those of peace and prosperity.

‘On the journey to peace and prosperity, the inhabitants of Sri Lanka, and their leaders, will need the solidarity of the international community. It must mobilise political and financial support for peace and reconciliation. Norway will continue to accompany the parties in this demanding process.

‘I shall now provide some more detail about the ceasefire agreement.

‘First, it outlines the modalities of the ceasefire, including the total cessation of all offensive military operations, the separation of forces, and increased freedom of movement for unarmed troops on both sides.

‘Second, measures to restore normalcy for all the inhabitants of Sri Lanka - Sinhalese, Tamils, Muslims and others - putting an end to hostile acts against civilians, allowing the unimpeded flow of non-military goods, opening roads and railway lines, and a gradual easing of fishing restrictions.

‘Third, a small international monitoring mission, led by Norway. The mission will conduct international on-site monitoring of the fulfilment of the commitments made by the Parties.’

The international community welcomed the signing of the

permanent ceasefire between the LTTE and the Sri Lanka government. The United States, the United Kingdom, Japan and India congratulated the parties on the agreement and called for a negotiated settlement to the Tamil national conflict. While the world complimented the peace effort, the Sri Lanka President, Chandrika Kumaratunga, expressed her 'shock and dismay' over the signing of the truce. Lashing out at the Prime Minister, she condemned his endorsement of the ceasefire agreement as 'an undemocratic act' since he failed to get her 'prior approval'. Certain articles of the truce agreement, the President argued, had 'compromised the island's sovereignty and national security.' I responded to her critique in an interview with the TamilNet news website in the following terms:

'Her argument that certain articles in the truce agreement have compromised the island's sovereignty and national security is untenable and fallacious. The concepts and categories employed in the ceasefire document such as 'forward defence localities', 'demarcation lines', 'areas controlled by the parties', 'check points on the line of control', do correspond and reflect the actuality of the ground situation and have been formulated with the consent of the parties concerned after careful scrutiny. To argue that these categories are 'highly evocative expressions' capable of 'destabilising the region' and linking them to Kashmir conflict is preposterous and ridiculous. A comprehensive ceasefire document and monitoring mechanisms could not be worked out until the actuality of the ground situation is acknowledged. There are two fighting formations facing each other in several locations in Tamil areas. The monitors must map out the ground positions or rather draw lines of demarcation between the forces to set out the ground rules in order to supervise the violations. To categorise such basic functions in cease-fire monitoring by a renowned international monitors as an infringement of Sri Lanka's sovereignty is unwarranted and utterly absurd.'²

Meeting Pirapaharan in Vanni

Following the signing of the ceasefire agreement, difficulties and delays arose with regard to the implementation of the obligations of the truce. When we took up the issues with the Norwegian facilitators they pointed out that these matters of critical importance should be discussed and resolved through direct negotiations with the Sri Lankan government. Therefore, the Norwegians suggested an early commencement of talks. I impressed upon the facilitators the necessity of meeting the LTTE leader for in depth discussions with him on matters pertaining to the peace talks. The date for talks, venue, the agenda and other critical matters had to be decided on. For security reasons, I told the Norwegians, the LTTE would not agree to hold the peace talks in the Sri Lankan capital, Colombo. The venue of the talks would have to be a friendly country outside Sri Lanka, I suggested.

With so many important issues in the peace process requiring direct consultation with Mr Pirapaharan, I requested the Norwegians to arrange for Adele and myself to travel to Vanni to meet the LTTE leader. Even though a ceasefire was in place, we had not reached a level of trust and confidence in either the government or the security forces, in particular, to risk travelling through Colombo. Subsequently, the Norwegians worked out an elaborate route that circumvented passage through Sri Lanka's international airport and the roads to the Vanni. The journey required the assistance of the Maldivian government. Although it had its own concerns about offering passage to 'terrorist' leaders, it nevertheless was generous enough to allow us to stay overnight in an airport hotel, with elaborate security arrangements, and to use its domestic tourist seaplane facilities and airspace. The Sri Lankan government was also consulted and endorsed the plan.

Accordingly, Erik Solheim and two of his bodyguards met us in Heathrow and escorted us to Male, the capital of the Maldives, where we landed on 24 March. Jon Westborg, Thomas Strangeland and Kjersti Tromsdal from the Norwegian Embassy in Colombo, were there to meet us. Later in the evening, Erik Solheim and Ambassador Westborg took a flight to Colombo, leaving Mr Strangeland to accompany us on the final leg of our journey to the Vanni. Contrary to Sinhala nationalist opinion, we did not enter

the country illegally. Arrangements were made for immigration officials to provide us with an entry visa and we were given a one-month permit.

The flight from Maldives back to the LTTE heartland necessitated some conversion of the plane to allow it to fly the more than four-hour journey to and from the Vanni. Subsequently, the De Havilland - 6 Twin Otter seaplane that the Norwegians had hired had its passenger seats removed and a huge tank for fuel storage installed in the space. One small window seat was made available to Thomas Strangeland and two small seats at the rear of the plane behind the tank of aviation fuel was where we spent the four-hour journey from Male to Vanni. The two Canadian pilots were extremely hospitable to us, particularly concerned to ensure that I was comfortable and to point out that food and fluids had been specially prepared and were available should we need them.

Not long into the journey, with Indian Ocean waters thousands of feet below, the nauseating smell of fuel fumes wafted over us. Adele looked down to see that the floor under her feet was flooded and the source was the fuel tank. We informed the co-pilot, who squeezed past the side of the tank to reach the site of the leak. He tightened some screws and stopped the flow, all the while at pains to reassure us that there was no need for concern!

Cooped up in the back corners of the plane, unable to move about for lack of space and with nothing to look at but sea below, the journey seemed longer than its four hours. Nevertheless, when the blue water of the Mannar coast appeared below us and the pilot turned to indicate we were nearly there, a surge of excitement rushed through me. Three years ago, critically ill, I left the Vanni.³ I could never have imagined that I would ever return, certainly not alive, anyway. So when we felt the descent of the plane and saw the largest irrigation tank in Vanni, the Iranamadu reservoir at Killinochchi, I peered out the window looking for familiar faces to come into sight. Our old friend, the Sea Tiger Commander, Soosai, was in charge of the arrangements for the seaplane landing and the short journey from the plane to shore. He had marked out the stretch of water, safe and deep enough for the plane to rest on. He, along with Mr Nadesan, Tamil Eelam Police Chief, Mr Tamilselvan, Head of the LTTE Political Wing, Mr Tamilenth, Head of LTTE Finance Department and several other senior cadres

guided their inflatable dingy towards the plane and helped us to disembark.

Back on home soil, we were surprised and delighted to see Mr Pirapaharan and his wife Mathivathani, and many of our old friends and cadres, were there to meet us. Soon after the welcome greetings, we departed to our accommodation, where Mr Pirapaharan and I went into private discussions.

The following day, the Norwegian delegation, comprising Mr Erik Solheim, Mr Jon Westborg, General Trond Furohovde, the Head of the Sri Lanka Monitoring Mission (SLMM) and a Finnish official of the SLMM, met the LTTE leader in Killinochchi. Mr Tamilselvan, Adele and myself assisted Mr Pirapaharan in the discussions.

The Government of Sri Lanka, the Norwegian delegates informed us, had agreed to open the northern sector of the main A9 highway on 8 April.

The Tamil Tiger leader expressed deep disappointment over the delay in the implementation of the obligations of the truce agreement. Erik Solheim suggested that the issues pertaining to the implementation of ceasefire should be discussed and resolved at the direct negotiations and it was therefore crucial that talks commence as soon as possible. Expressing their willingness to engage in peace talks with the government, the Tiger delegates insisted on the deproscription of the organisation as a pre-requisite for the commencement of negotiations. The Norwegian delegation assured us that Wickremasinghe's government was favourably considering deproscription of the LTTE before the resumption of peace talks. We were also informed that the Norwegian Deputy Foreign Minister, Mr Vidar Helgesen, would visit Colombo and Killinochchi during April to discuss the agenda for talks and to persuade the government to lift the ban early.

The government fulfilled its pledge to open the A9 highway, linking the Jaffna peninsula with the Vanni mainland. At the ceremony held in Muhamalai, the border town in the southern peninsula, General Furohovde introduced the commanders of both armies. Colonel Banu and Colonel Thieepan represented the LTTE. Major General Sisira Wijesuriya represented the Sri Lankan army. Following the opening of the highway, fifteen cadres from the LTTE's political wing entered the army-controlled region of Jaffna

to a tumultuous welcome from a massive crowd of jubilant residents.

Pirapaharan's address at an international media conference held in Killinochchi on 10 April was another significant political event that took place during our stay in Vanni. It was the LTTE leader's first press conference in over a decade and more than four hundred local and international journalists and cameramen attended. I translated from Tamil into English Mr Pirapaharan's replies to the many questions asked, and, as the theoretician and advisor, where necessary, expanded and clarified any queries.

The Tiger leader spoke at length on the Norwegian facilitated peace initiative and clarified the position of his organisation. The LTTE, he explained, was sincerely and seriously committed to peace. Expressing satisfaction over the development in the peace process, he complimented Mr Ranil Wickremasinghe for his bold action in promoting peace and goodwill among the Tamil people. However, Mr Pirapaharan cautioned that the parliamentary government of Wickremasinghe was weak and unstable and did not possess sufficient authority to find a permanent settlement to the ethnic conflict. 'We don't think that Ranil Wickremasinghe is capable of addressing the core issues and can offer us a permanent solution at this stage, because the executive powers of government are vested with the President, whereas his powers are limited to parliament. It's for that reason we're suggesting the formulation of an interim administration set-up for the northeast in which the LTTE can participate,' Mr Pirapaharan said. Dismissing the allegation that the LTTE was not earnest about peace and political negotiations and that the Tigers were under pressure from the United States sponsored international war on terrorism, the Tiger leader explained that the LTTE unilaterally observed ceasefire for four months in 2001 as a gesture of peace, even before 11 September. 'I met the Norwegian peace envoy, Erik Solheim in October 2000 and gave him an assurance that the LTTE wanted peace and negotiated settlement,' Pirapaharan said. He also expressed hope that the peace process would succeed with the able assistance of the Norwegian facilitators.

On 17 April 2002, a Norwegian delegation led by Mr Vidar Helgesen and including Mr Erik Solheim, Mr Jon Westborg and Ms Kjerti Tromsdal met the LTTE leader at the Tigers' political

headquarters in Killinochchi. Tamilselvan, Adele and I assisted Mr Pirapaharan. Mr Helgesen informed the LTTE delegation that the Royal Government of Thailand was prepared to host the peace talks. The Tiger leader insisted, however, that the Sri Lankan government's ban on the LTTE had to be lifted before direct talks began. The Tiger delegation also expressed their disappointment over the delay on the part of the government in implementing the terms and conditions of the ceasefire agreement. Crucial aspects of the agreement, such as the lifting of fishing restrictions, allowing unarmed political cadres of the LTTE into government controlled areas, withdrawing troops from public buildings, the LTTE delegation pointed out, had not been fulfilled. Mr Helgesen assured us that he would take up the issues with the Sri Lanka government.

After returning to Colombo, the Norwegian delegation met President Kumaratunga on 18 April and briefed her on the discussions they had with the LTTE leader. The Norwegians impressed on the President the need to deproscribe the LTTE before the commencement of talks in Thailand. However, she remained adamant concerning the issue of the ban. The President also insisted on a timeframe for talks. Nevertheless, the state media later reported that the President had assured the Norwegian delegation of her commitment and co-operation to continue the peace process until a negotiated political settlement was found for the ethnic conflict.

Helgesen and Solheim left for Oslo with heightened optimism that the peace talks would soon begin.

A week later Adele and I prepared to depart Vanni and return to London. I felt our political discussions with Mr Pirapaharan had been completed successfully and it was now a matter of the government implementing the terms and conditions of the ceasefire and creating conditions for the peace talks to take place by lifting the ban on the organisation.

However, our departure from the Vanni became as controversial as our arrival, and a great deal more taxing.

The Norwegian Embassy completed all the arrangements and informed us when our departure would take place. Since our journey to the Vanni had gone without any major incident, the only concern we had was the tedium of another long journey back to the Maldives. However, as our De Havilland plane flew east from the Iranamadu Tank, we had no idea of either the danger we were

flying into, or that such a seemingly harmless, well-intentioned operation would become the centre of a military and media storm.

Mr Pirapaharan arrived on the morning of the 24 April to bid us farewell. He appeared disturbed and informed us that there had been a serious incident at sea between the Sea Tiger units and the Sri Lankan navy. We were concerned for the potential threat to the peace process such an incident could have if events spiralled out of control. Nevertheless, at that moment there was little I could do and Mr Pirapaharan was in full command of the situation.

The joy that accompanied our return four weeks earlier was replaced with gloom, as we gathered at the departure point on the banks of the reservoir. Our friends and cadres talking quietly to each other. The future had been plunged into uncertainty. Ms Kjersti Tromsdal, was also waiting to escort us during the flight.

While high drama was being acted out at sea in the east, the Canadian pilots had flown to Iranamadu from the west, oblivious to the storm ahead. They landed the plane on time, totally unaware of the standoff at sea.

The pilots came ashore and suggested that we depart as early as possible, to arrive in Maldives at a reasonable hour. Complying with their wishes and advice, we boarded the dinghies and set out for the plane. Contrary to sceptics' opinion, we were neither consulted nor had knowledge of the travel route. We had confidence in both the Norwegian arrangements and the skills of the pilots. After all, if anything should go wrong, the pilots' lives were in danger also, and we have absolutely no doubt that the last wish of the Norwegian government would be to get unnecessarily embroiled in diplomatic controversy. Furthermore, we had on board one of their official representatives. She was a young woman doing her job and her security would also be foremost in their minds.

In the air, the pilots informed us we would be heading east, for security reasons. For their own reasons they were not comfortable with retracing the route through which they had entered Sri Lankan airspace, and informed us that we were heading east, down the coast and around the bottom of Sri Lanka across to the Maldives, and the journey would be longer.

Sea gave way to land and we could see the movement of boats below us. We had no idea as to the type of boats or to whom they

belonged. In fact we were quite ignorant of the location we were at, above the sea. It later transpired that our plane had apparently flown above or in the vicinity of a major stand off between the Sea Tiger units and Sri Lankan Navy boats at Foul Point, near Trincomalee harbour. The Navy had cordoned off a flotilla of LTTE boats and was waiting instructions from military commanders as to the next course of action. Our plane, it is alleged, gained altitude over the area and then descended again to 100 feet, creating an impression it was about to land on the waters. Since our flights in and out of Sri Lanka were top secret and the pilots had only a 'time-window' rather than a route to follow, neither the Navy nor Air Force hierarchy were informed of the presence of our plane. The inference made by journalists that we might have influenced the decision to fly out of the country in the direction of the stand off, is incredulous. Indeed, it is preposterous to assume that professional civilian pilots would concede to such a request or deliberately fly into a potential conflict zone and all its attendant dangers. As the Norwegian Embassy in Colombo correctly put it in a statement on 5 August:

'The Royal Norwegian Embassy has noted that it has been indicated in several media that the flight-path chosen by the air-craft carrying Mr Anton and Mrs Adele Balasingham out Sri Lanka, was on the request of Mr Balasingham. In this connection the Embassy feel it is correct to provide the following information:

- The aircraft in question was hired by the Royal Norwegian Embassy with the concurrence of the Government of Sri Lanka (GOSL).
- All arrangements regarding the flight were cleared between appropriate representatives of the Maldivian Government, the GOSL and this Embassy. LTTE was not involved and was only informed of the time of arrival and requested to prepare for the landing and loading.
- The pilot did not provide any flight-path for

his entry into or exit out of Sri Lanka. GOSL had, however, provided the pilot a 'time-window' for his arrival and departure.

- The passengers - including a member of the Royal Norwegian Ministry of Foreign Affairs - were unaware of any flight-path prior to their departure. The pilot approached the passengers only after they were air-born to inform that they had chosen to depart via the east coast, thereafter follow the coastline of Sri Lanka, before leaving towards Male somewhere south of Galle.

It is regrettable that the aircraft by such a route ended up near the incident between the Navy and the LTTE on the coast of east Trincomalee. These incidents were, however, in no manner connected. The flight-path out of Sri Lanka was decided by the pilot on the air-craft, and him alone.'

For reasons known only to them, the pilots also made the decision to fly at 100 feet.

So while the Sri Lankan Navy and Air force hierarchy contemplated deploying supersonic jets to engage the 'unidentified' plane on the grounds of its intrusion into Sri Lankan air space, we sat quietly, preparing ourselves for a five hour journey back to the paradise island of Maldives, blissfully unaware of the danger zone we were traversing.

The sun was about to set when we taxied into the jetty at Male. Our journey in the back corner of the seaplane had taken us over five hours. I hadn't moved during that time and all I wanted to do was stretch my legs and lie down for a while. It was only later that evening the Norwegian officials informed us of the controversy that had erupted behind us, and of the dangerous episode we had miraculously escaped.

Meetings with Milinda Morogoda

The Norwegian plan to hold the peace talks in Thailand during the latter part of June 2002 did not materialise because of the unfavourable ground situation in the Tamil homeland. The Sri

Lankan army continued to maintain its tight grip on the Tamil civilian population and refused to comply with the obligations of the truce agreement. The Navy was defiant and hostile. It refused to relax restrictions on fishing and adopted a confrontationist posture with the Sea Tigers. The hostile behaviour of the Sri Lankan armed forces and their refusal to comply with the terms and conditions of the Ceasefire Agreement caused a delay in the resumption of talks. In an interview given to the Tamil Guardian, a London based English weekly on, 5 June, I explained the ground situation:

‘The cardinal objective of the truce agreement is to bring an end to armed hostilities and to establish a congenial situation conducive for peace negotiations. The terms and conditions and a set of goodwill measures enunciated in the cease-fire document are aimed at de-escalation and restoration of normalcy in the war torn Tamil homeland. The truce agreement also seeks to remove the conditions of oppression imposed on the Tamil civilian masses under a rigid military occupation and to improve their conditions of existence.

‘As a party to the cease-fire agreement, we are unhappy that some of the terms and conditions as well as some measures aimed at creating normalcy in Tamil areas are not fully implemented. The military personnel are still occupying temples, schools, colleges and public buildings in defiance of the time-frames stipulated in the truce. Some of the Hindu temples are historical holy sites which are sacred to our people and the reluctance shown by the Sinhala armed forces to vacate these places of worship has angered the Tamil people and is destroying their confidence in the peace process.

‘In blatant violation of the conditions of cease-fire the armed forces refuse to dismantle barriers and checkpoints in densely populated cities and towns and to continue to intimidate and harass civilians. There have been incidents of violence committed by the armed forces against LTTE members and Tamil civilians in the eastern province.

‘The cease-fire document stipulates that unarmed LTTE members will be permitted freedom of movement in the northeast for political activities. But the Sri Lanka government has imposed stringent conditions for the freedom of movement of our cadres in the islets off Jaffna where 35,000 Tamils live. Similarly the Sri Lankan navy is refusing to remove all restrictions on fishing even after the timeframe of 90 days has lapsed which continues to affect seriously the conditions of existence of our fishermen. To put it briefly, the Sri Lankan armed forces are not cooperating in the task of implementing the cease-fire accord and adopting an intransigent and hostile attitude towards the LTTE and the Tamil civilians.

‘The non-implementation of the terms and conditions of the cease-fire is causing delay in the resumption of peace negotiations. A proper and systematic de-escalation of the conflict and the restoration of normalcy in the war affected Tamil region, which are essential pre-requisites for peace negotiations, can only be realised by the smooth implementation of the truce agreement.

‘In our view, the cease-fire should be strengthened and stabilised since it is on a strong foundation of peace that political negotiations should take place. We are disappointed over the lack of concern and inclination on the part of the Sri Lankan government in the process of de-escalation and stabilisation of peace, which is seriously undermining the confidence of our people in the peace process.’

The procrastination on the part of Wickremasinghe’s government to take necessary measures to deproscribe the LTTE was also a crucial factor for the delay of the peace talks. The demand for unconditional deproscription represented the collective aspiration of the Tamil people, who sought the participation of the LTTE, as their legitimate and authentic representatives, in the negotiation process. The LTTE also did not wish to participate in the talks as a banned, illegal entity. Though Wickremasinghe was favourably disposed to the idea of deproscription, some of his hard-line cabinet

ministers had their reservations. They held the view that deproscription could only be considered at a stage when the talks progressed satisfactorily.

The Norwegian peace envoys were aware of the tense situation on the ground, as well as the position of both parties on the issue of deproscription. They realised that a stalemate had arisen. It was during these circumstances that Vidar Helgesen, accompanied by Erik Solheim and Lisa Golden, an official from the Norwegian Foreign Affairs Ministry, met me in London on 15 July 2002. Helgesen enquired about the prospects of resuming peace talks in Thailand. I reiterated that the LTTE would not agree to participate in the talks unless and until the organisation was deproscribed and the obligations of the truce implemented. Helgesen promised to take up the issues with Ranil's administration again. He also requested me to meet Mr Milinda Moragoda, a senior Sri Lankan Minister in charge of the peace talks, and brief him on the LTTE's views and concerns. I consented, and the meeting took place at the Norwegian Ambassador's residence in London, on 27 July. Mr Vidar Helgesen was present. My wife, Adele, assisted me. It was the first direct meeting between a Sri Lanka Minister and the chief negotiator of the LTTE. Mr Morogoda listened carefully to our views and concerns. The belligerent Sinhala army and the hostile navy were opposed to de-escalation and restoration of normalcy in Tamil areas, I explained. On the matter of resuming peace talks, he appreciated our aspiration for deproscription so as to represent the Tamil nation as legal representatives on a status of parity. He assured me that Ranil's administration would soon lift the ban on the organisation. Intelligent and congenial, Milinda demonstrated a willingness to find creative solutions to problems and issues. He promised to undertake a fact-finding mission to Tamil areas. After a constructive two hour meeting, it was decided we would meet in Oslo in mid-August.

Following our meeting I contacted the LTTE leader and conveyed to him the content of my dialogue with the Sri Lankan Minister. From our discussions with Mr Morogoda, I gathered that the government would deproscribe the Tigers before talks and accredit them equal status in negotiations, with the implicit recognition of the LTTE as the sole representatives of the Tamil people. In so far as the issues of de-escalation and non-implementation of

the truce obligations were concerned, Wickremasinghe's regime had little authority over the armed forces, which was under the full control of the all-powerful executive President, I explained to Pirapaharan. As a realist, Pirapaharan was acutely aware of the power struggle and co-habitation conflict between Chandrika and Ranil. He knew that Ranil had the will but lacked the authority to ensure the smooth implementation of the ceasefire agreement. It was precisely for this reason that Mr Pirapaharan did not insist on rigid implementation and showed admirable restraint in provocative, volatile situations. He agreed to my suggestion to commence the talks in Thailand in mid-September if Sri Lanka was prepared to lift the ban before that date and take-up the issues of non-implementation in the direct talks.

On the invitation of the Norwegian Foreign Ministry, we visited Oslo where we met Mr Morogoda again. He was accompanied by Mr Bernard Goonetilleke, the Director General of the Sri Lankan Peace Secretariat. Adele assisted me. Norwegian facilitators, Mr Vidar Helgesen, Mr Erik Solheim, Mr Jon Westobrg and Ms Lisa Golden, were present at the meeting. During the discussions the parties agreed to start formal talks in Thailand, in mid-September. It was agreed that the Norwegian government would announce the exact date of the meeting and other related matters. Primarily, issues related to the implementation of ceasefire and the resettlement of internally displaced persons were covered at the Oslo meeting. During the course of that day each delegation met the Norwegian Foreign Minister, Mr Jan Petersen. He complimented the parties for their agreement to hold direct negotiations in Thailand.

Two weeks after the Oslo meeting, the government of Sri Lanka announced that it would lift the ban on the LTTE from 6 September, ten days ahead of direct negotiations. Accordingly, the Sri Lanka Defence Minister, Mr Tilak Marapone issued the relevant gazette notification on 5 September, deproscribing the LTTE under the Prevention of Terrorism Act.

In the meantime, the Government of Norway announced that the first round of direct negotiations between the Government of Sri Lanka and the LTTE would be held in Thailand at the Sattahip Naval Base from 16-18 September. Both parties agreed to send four member delegations.

Inauguration of Talks

September 16, 2002. Officials rushed to greet us as we stepped from our vehicle at the five star Ambassador City Hotel, Jom Tiem, 50 kilometres from Bangkok, Thailand, to a waiting world of journalists, diplomats, and the public. Peace was beckoning and an abundance of international goodwill and optimism prevailed.

An entourage of security staff, officials and organisers ushered us down the long, wide corridor to the huge lounge in the hotel. One section of the room had been set aside for the big Sri Lanka delegation. Prof G.L Peiris, Mr Milinda Morogada, Mr Bernard Goonatileke, Mr Rauf Hakeem and their assistants mingled with the invited guests and the Norwegians facilitators. One could not help but be moved by the sense of occasion that filled the air. It was an historical occasion, a grand inaugural ceremony hosted by the Thai government.

While we drank our tea and carried out all the social and diplomatic niceties, the international media scrambled for prime positions and set up their cameras and microphones in the press conference hall. The large gathering of Thai officials, foreign diplomats and dignitaries sat quietly in anticipation of the content of the inaugural speeches from Mr Peiris and myself. The audience was correct in their expectation and the world's curiosity was not unnatural. Everyone was fascinated to see these two warring parties come together on a common podium while the world watched; to hear in their speeches how they set the tone for the forthcoming peace talks and whether in fact their addresses would contain indications of a genuine willingness to put the past behind and move on to the future, or whether in fact it would be a forum to restate entrenched, hostile positions.

Although the LTTE has participated in various peace processes with India and the Sri Lanka government in the past, this first session of talks with the Sri Lanka government in Thailand were particularly poignant. The stage for dialogue had shifted from the regional theatre to an international forum.

At the appointed time, Mr Peiris, chief negotiator for the Sri Lanka government and I, followed by our respective delegations and Mr Vidar Helgesen, leader of the Norwegian team of facilitators, passed through the huge wooden doors into the hall to meet

the world and to the inauguration of the Sri Lanka Peace Process 2002.

The task of ensuring that the official ceremony proceeded smoothly rested with Mr Erik Solheim. This was a particularly poignant day for Erik. He, along with many of his colleagues in the Norwegian Foreign Affairs Ministry had traversed a long, difficult path with the LTTE to reach this point. I am sure he heaved a sigh of relief when he stepped up to the microphone for his short speech, finally making the peace process official and legitimate.

Appropriately, Mr Tej Bunnag, Permanent Secretary, Royal Thai Ministry of Foreign Affairs opened the peace talks, eloquently conveying in his welcoming address, the good wishes of his country and its desire to contribute towards peace in the world in general and in Sri Lanka in particular. 'We are pleased to contribute to the cause of peace in the international community and to make a modest contribution... We hope that your dialogue in the coming days will lead to a universally desired result of national reconciliation in Sri Lanka...'

Professor G.L. Peiris followed on from the Permanent Secretary and spelled out the mood of the Sri Lanka government under Prime Minister Mr Ranil Wickremesinghe's leadership. In his inaugural address, Mr Peiris acknowledged the 'collective calamity' the ethnic conflict had wrought on the island over the past fifty years and obviously viewed the Peace Process as an historic opportunity for the peoples of Sri Lanka to change their lives and work towards a prosperous, peaceful and just country. He resolved that the Sri Lanka government no longer viewed war as means to a solution of the ethnic conflict. 'This is now behind us,' he said and called for an enormous effort by all concerned to rise above animosities and distrust to make the process a success.

My speech was brief as required by the protocol of the inaugural function. I emphasised the urgency of economic recovery of the war affected Tamil population, insisting on an immediate programme of resettlement, rehabilitation and reconstruction. I stated:

'Please permit me to express my sincere thanks to the Government of Thailand on behalf of the Tamil people of Sri Lanka, for offering your beautiful country as the venue for this historic peace-making event. We appreciate the gracious hospitality and wonderful

conference arrangements provided here. We are happy and confident to engage in a constructive peace dialogue in this serene environment.

‘May I also express my sincere compliments and congratulations to the Government of Norway for its success in accomplishing the difficult task of bringing the principal protagonists - the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka - to the negotiating table. The Tamil people are grateful to the Norwegian peace envoys for their dedicated and persistent endeavour to bring an end to the armed hostilities and for creating a congenial atmosphere of peace and normalcy in the island. The task of building a permanent peace and reaching a final settlement to the ethnic conflict may be difficult, challenging and time consuming. Nevertheless, we are confident that with the able assistance of the Norwegian facilitators there is a possibility for the peace process to succeed. We are optimistic that the peace talks will succeed because both Mr. Velupillai Pirapaharan, the leader of the Liberation Tigers, and Mr. Ranil Wickramasinghe, the Prime Minister of Sri Lanka, have a genuine will and a firm determination to resolve the conflict through the process of dialogue. As far as the Liberation Tigers are concerned, I can assure you that we are seriously and sincerely committed to peace and that we will strive our utmost to ensure the success of the negotiations. We are well aware that there are powerful political forces in southern Sri Lanka who are irrationally opposed to peace and ethnic reconciliation. Nevertheless, we are confident that the talks will progress successfully because of the fact that the principal parties in the conflict as well as the overwhelming majority of the people of the island want peace and peaceful resolution of the conflict.

‘Since we are required, at this inaugural function, to keep our statements brief, I do not wish to dwell in detail or in depth on the historical evolution of the

ethnic conflict in Sri Lanka. The Tamil struggle for self-determination has a lengthy and complex history, the last two decades of which were characterised by a brutal and savage war. All previous attempts to seek a peaceful negotiated settlement to this intractable conflict ended in fiasco.

‘Though the leadership of the LTTE had, on several occasions, opted for cessation of hostilities and peace talks, the previous government rejected our conciliatory gestures and intensified the conditions of war that caused heavy loss of life and monumental destruction of Tamil property.

‘The intransigence of the previous government could only be attributed to its incredible military theory that war begets peace and political solutions can only be realised by military means. By practicing such an absurd notion the last government of Sri Lanka plunged the entire country into the abyss of social and economic disaster.

‘The situation has radically changed with the assumption to power of the new government with the overwhelming popular mandate for peace and negotiated political settlement. The new government reciprocated positively to the unilateral cease-fire declared by our liberation organisation at the end of last year. It was at that stage the Norwegian facilitators were able to intervene constructively and work out a comprehensive cease-fire agreement. A mutually agreed cease-fire agreement with international monitors from Nordic and Scandinavian countries came into effect in February this year.

‘The most encouraging aspect of the current situation is that the cease-fire has held for the last seven months, without any serious violations. In this context I wish to compliment the foreign representatives of the Sri Lanka Monitoring Mission for their dedication, commitment and impartiality in ensuring the smooth implementation of the truce agreement.

‘Peace and stability are being restored in the

island for the first time after two decades of sustained and relentless war that has torn the country apart. This positive atmosphere of peace has brought a sense of relief, hope and confidence to all major communities living in the island: the Tamils, the Sinhalese and the Muslims. A firm foundation has been laid for peace negotiations between the principal parties in conflict.

'Normalcy of civilian life is slowly and systematically returning to the northeast of Sri Lanka, the homeland of the Tamils and Muslims, the region that has faced the brunt of the armed conflict. The north has suffered the most horrendous impact of the war, where the entire civilian infrastructure has been destroyed, where thousands of civilians have lost their lives, where one million people are internally displaced. The economic embargo imposed on the Tamil people for the last one decade has had a devastating effect on their social and economic life. This economic strangulation subjected our people to extreme poverty and severe deprivation. There is an urgent need for relief and assistance to the war affected people. Immediate steps should be undertaken without delay, to embark on a comprehensive program of resettlement, rehabilitation and reconstruction. This monumental task cannot be undertaken without the help and assistance of the international community. The concerned international governments, who have been supporting a negotiated settlement to the Tamil national question, should contribute generously for the reconstruction of the war-damaged economy of the northeast. Improving the conditions of existence of the war affected people and effecting normalcy, congenial for their economic revival, has become a necessary and crucial element in advancing and consolidating the peace process.

'Over and above the intricate questions of conflict resolution and power sharing, the people expect a peace dividend; they require immediate relief to resolve their urgent, existential problems. Therefore,

the peace process cannot be undertaken in isolation without taking parallel steps towards the economic recovery of the suffering population. The leaders of the Sri Lanka government have expressed a desire to transform the island into a successful Tiger economy. We appreciate their aspiration. Such an aspiration can best be realised by embracing the Tamil Tigers as their equal partners in the task of economic reconstruction of the country. The LTTE is the legitimate and authentic representative of the Tamil people. We have lived, fought and suffered with and for our people throughout the turbulent times of the war. We have a comprehensive knowledge of the socio-economic needs confronting the Tamil people. We have built an effective administrative structure for more than ten years which has sustained the social cohesion and law and order. Therefore, it is crucial that the LTTE should play a leading and pivotal role in administration as well as the economic development of the Northeast.

‘The deepest aspiration of our people is peace, a peace with justice and freedom; a permanent peace in which our people enjoy their right to self-determination and co-exist with others. Peace, stability and ethnic harmony are the foundations upon which the economic prosperity of the island can be built. Let us strive, genuinely, with hope and confidence, to consolidate these foundations at this forum to bring a peaceful and prosperous life to all peoples in the island.’

In his summing up speech, Mr Vidar Helgesen also referred to the importance of international financial assistance for economic development projects to consolidate the process and for the people to enjoy tangible dividends from peace while negotiations were proceeding at the top political level. Mr Helgesen, as did everybody who attended the function, recognised that the negotiating process would be long and complicated, but expressed a confidence in the parties’ commitment to a negotiated settlement to the ethnic conflict.

First Session of Talks

The policeman waved our motorcade through the traffic lights as we headed back from the inaugural conference at the Ambassador Hotel to our very comfortable bungalow situated in the heart of the Sattahip Naval Base.

Sattahip was chosen as the venue for the first session of talks as it was seen to have all the facilities required in a protected area where the negotiating parties could stay and meet. I must comment that everyone involved, the Thai government, Norwegian facilitators and the representatives of the Sri Lanka state, were extremely generous in their considerations of my health in choosing this venue. I had no wish to spend ten days cooped up in a hotel room. I wanted an environment where, once free from the seriousness and intensity of negotiations, we could enjoy the natural scenery, sit outside in the sunset and just generally have some space to spend the period of the talks; Sattahip satisfied my wishes.

In the afternoon of 16 September we were driven the few miles within the Naval base precincts to the guesthouse of the Admiral of the Thai Navy overlooking the sea, for the direct talks scheduled to begin at 4p.m. The opening session of talks began after a brief photographic session. Vidar Helegesen, as chief facilitator, chaired the meeting. The chief negotiators and members of both delegations were seated facing each other. Officials and resource persons to assist the teams were seated behind the delegations. Erik Solheim, Jon Westborg, Lisa Golden and Thomas Strangeland assisted the chief facilitator. Helgesen opened the talks by proposing a set of procedures for negotiations. This included the modus operandi of meetings, formulation of agenda, recordings of decisions, handling of media and other related matters. Though there was general agreement on the procedures for talks as proposed by the facilitators, I suggested that rules of negotiations should not be rigid, constraining the scope of the talks. Professor Peiris agreed with my comments, arguing that rigid procedures would restrain the parameters of negotiations, and suggested flexibility.

It is beyond the scope of my work to record the whole range of discussions, arguments and suggestions on various issues taken up during three sittings of the first session of formal talks. There was neither a structured agenda nor a common strategic approach. Both

the parties had their own agenda, preferences and goals. On the Tamil side, the LTTE, as it has always done so, posited the totality and complexity of the Tamil national question to two levels; the urgent existential problems faced by the Tamils, and the core, or fundamental issues, underlying the conflict. This two dimensional approach corresponds with the reality of the conditions of existence of our people. Two decades of war have aggravated the immediate, day-to-day life problems into a serious humanitarian crisis. It was precisely for this reason the LTTE has been insisting on addressing immediate existential problems before embarking on the difficult process of resolving the core issues. In this context, we have always advocated a stage-by-stage approach, a pragmatic process in which the immediate and urgent issues are given primacy. We emphasised this approach at the Sattahip talks. For example, despite various challenges, the ceasefire agreement was holding. It had been a success, we argued, because it was gradually and systematically built up, stage-by-stage. The Sri Lankan delegation endorsed our view and both parties agreed to advance the peace process in stages, giving primacy to urgent humanitarian issues.

In order to advance the peace process in stages, from peripheral to core issues, it was of crucial importance that the ceasefire agreement be stabilised and consolidated while an appropriate administrative mechanism should be institutionalised to address the urgent life problems of the Tamil people. The Ceasefire Agreement was the foundation on which the entire peace process stood. It rested on strategic parity, or rather, on balance of power. Ceasefire provided the scope for de-escalation and normalisation of civilian life. Therefore, it was the ground on which the peace process had been built.

Exploring the urgency of strengthening the ceasefire to consolidate the peace process, I argued that the hostile behaviour and the lack of co-operation of the armed forces posed a serious threat to the truce agreement. The Sri Lankan army had refused to comply with the obligations of the Ceasefire Agreement and continued to occupy public buildings (houses, schools, colleges, temples, hotels etc) in towns and villages causing a huge humanitarian crisis of displacement. Defining the mode of occupation of specific areas as the so-called High Security Zones, the army was holding large areas of land in the northeast, denying the right of our people to return to

their own homes and villages, I said. The LTTE delegation presented a comprehensive list of public places occupied by the army. Milinda Morogada, responding to my criticisms, proposed the formation of a Joint Committee to study and deal with the issues related to the High Security Zones and the problems of the displaced persons.

I took up the issue of Interim Administrative Council, arguing that the formulation of such an institutional mechanism was vital if the urgent humanitarian issues of resettlement, rehabilitation and reconstruction were to be addressed. A northeast administrative structure with a leading role to the LTTE was even endorsed by the Indian government as a post-Accord provisional arrangement, I said. Pointing out that the creation of an interim administrative set-up was proposed in the UNP Election Manifesto, which had received the mandate of the Sinhala people, I insisted that Ranil's government was obliged to set-up this institution as early as possible.

Professor Peiris responded with a lengthy exposition of the constitutional difficulties involved in the formation of an elaborate administrative structure with adequate powers to deal with the issues of rehabilitation and development. His central argument was that the present entrenched constitution could not provide space for the institutionalisation of such an administrative structure. Even if such an administrative mechanism was created, it would violate the constitution and the President, as well as the Chief Justice, would never allow such a measure, Professor Peiris explained. To embark on such a futile exercise would offer the President an opportunity to interfere and stall the peace talks, he said. The Sri Lankan chief negotiator urged with LTTE delegation to give adequate space to the government to find ways and means to overcome the constitutional hurdles in the creation of a proper administrative structure. Instead, Mr Peiris suggested the formation of a provisional mechanism as a 'pre-interim' structure, or rather a 'nucleus', which could be systematically evolved into a substantial framework for an interim administration. I told the Sri Lankan delegation that the LTTE leader, Mr Pirapaharan, would be seriously disappointed if there were a delay in the formation of an interim administration. Professor Peiris argued that the intention of the government was not to delay, but rather accelerate the process of rehabilitation and

reconstruction activities by setting up an alternative, provisional mechanism. In this context, the parties agreed to set-up a Joint Task Force for Humanitarian and Reconstruction Activities based on a partnership between the Government of Sri Lanka and the LTTE 'for the identification, financing and monitoring of urgent humanitarian and reconstruction activities in the North and East.'

As the chief negotiator for the LTTE, I was disappointed with the government's hesitation in setting up an interim administrative council for the northeastern region. Professor Peiris presented rational and convincing arguments explaining the constitutional difficulties involved in the exercise. From the exposition of the constitutional hurdles and the apprehensions he expressed, over the possible Presidential intervention, I could foresee the two major obstacles the government might confront in the future in seeking a reasonable solution to the Tamil issue. The first is the Sri Lankan constitution and the second is the Presidency. I wondered if it would ever be possible for Ranil Wickremasinghe and his team of negotiators to resolve the intractable ethnic conflict within the parameters of an entrenched majoritarian constitution and without the consensus of a single-minded, authoritarian President.

During the three days of deliberations the parties discussed wide-ranging issues i.e. de-mining, internal displaced persons, high security zones, disappearances, restrictions on fishing, political prisoners, repeal of the Prevention of Terrorism Act (PTA), resettlement, reconstruction, rehabilitation, development, ceasefire violations, issue of the Muslims etc. Although Mr Hakeem participated at the talks as a government representative, in his capacity as the leader of the Sri Lankan Muslim Congress, he articulated the interests of the Muslims on several critical issues affecting that community. Mr Morogada suggested the formation of joint committees to address certain issues. Though we reluctantly agreed to form committees, I expressed serious reservations over this typical problem solving methodology of Sinhala governments, which invariably created an ever-expanding corrupt bureaucracy while failing to resolve the problems.

The first session of talks created a positive environment where two adversarial parties engaged themselves in a working relationship, developing mutual trust, rapport and cordiality. There was no acrimony or hostility between the parties and wide-ranging

contentious issues were discussed. When critical issues from the ground situation emerged, the parties amicably resolved the problems. The presence of the Norwegian facilitators was constructive, pulling the threads together and keeping the dialogue focused. Mr Helgesen, as the moderator, carried out his role with considerable sophistication and evenhandedness.

Following the first session of talks, Adele accompanied me, in mid-October, to meet Mr Pirapaharan and the senior leaders of the LTTE to brief them on the discussions in Sattahip. I explained to the LTTE leader the arguments advanced by Professor Peiris clarifying the constitutional difficulties in creating an interim administrative structure. The government, constrained by the constitution and the executive President, could only offer a pre-interim provisional mechanism with limited powers to undertake humanitarian and reconstruction activities. The cohabitation crisis between Ranil's administration and Kumaratunga had become acute and she was waiting impatiently to interfere and topple his parliamentary government if he dared to offer anything substantial to the Tamil Tigers. Pirapaharan was not surprised at my assessment. He was aware of the power struggles in Colombo and that Ranil's regime was unstable and constantly faced the danger of dissolution. Nevertheless, he was disappointed with the prospect of delay in the formation of an interim administration to address the urgent humanitarian problems of his people. He was not impressed by the proposal for a Joint Task Force. The Tamil people would not get a fair deal or dividends from the peace process, since the Sinhala polity was fragmented and polarised on racist grounds, he said. The important element in the peace process was the internationalisation of the Tamil issue, I said. We should impress upon the international community that the LTTE was genuine and serious in the pursuit of peace and that the Tamil people had urgent humanitarian needs, I further explained.

While we were in Vanni deliberating with the LTTE leaders, Mr Vidar Helgesen and Mr Erik Solheim visited Sri Lanka on 20 October. They met Pirapaharan in Killinochchi on the 22nd, accompanied by Mr Jon Westborg and Mr Thomas Strangeland. Tamilselvan, head of the LTTE's political wing, Adele and I assisted the LTTE leader. At the meeting Pirapaharan portrayed a gloomy picture of the plight of the Tamil people. The Ceasefire Agreement

brought an end to war but had failed to usher real peace and normalcy, nor had it brought relief to the suffering masses. The terms and conditions of the truce had not been implemented. The Tamil people continued to be suffocated by the conditions of military occupation. Pirapaharan said that a huge mass of displaced people continued to be languishing in refugee camps and welfare centres, without any prospect of returning to their homes and villages. Norway, as well as the international governments had a moral responsibility to address and resolve the major humanitarian tragedy of the displaced population.

Responding to Pirapaharan's comments, Vidar Helgesen said that a lot of work had to be done on the international level to mobilise financial support for the rehabilitation and reconstruction in the northeast. The Government of Norway, he revealed, was organising a donors' meeting in Oslo on 25 November. Helgesen emphasised the importance of establishing the Joint Task Force as an effective mechanism to receive funds for humanitarian projects as well as for reconstruction.

Commenting on the political crisis in Colombo the Tamil Tiger leader observed that the power struggle among the Sinhala political leadership, particularly between the President and the Prime Minister, would pose a serious threat to the peace process. Helgesen played down the co-habitation crisis in Colombo saying that Ranil enjoyed a parliamentary majority and the President was under heavy pressure from the international community to co-ordinate and work with the Prime Minister. The Norwegian Minister's optimism did not impress Pirapaharan.

Second Session of Peace Talks

The second session of peace talks between the Government of Sri Lanka and the Liberation Tigers was held at the Rose Garden Resort, about 30 kilometres from Bangkok, Thailand. Two additional representatives, Mr Tamilselvan and Mr Muralitharan (Colonel Karuna), Special Commander Batticaloa/Amparai, were included in the main LTTE delegation. Mr Visuvanathan Rudrakumaran and Mr Jay Maheswaran participated as resource persons. There was no change in the composition of the Sri Lankan

delegation. Mr Austin Fernando, Defence Secretary, Major General Shanta Kottegoda of the Sri Lankan army and Mr Aziz of the Sri Lanka Muslim Congress participated in the talks as additional resource persons.

Professor Peiris opened the dialogue with the observation that the international community had welcomed the progress of the talks in the first session and was solidly behind the peace process. Given the climate of international goodwill he felt that it was of critical importance to strengthen the peace process. Professor Peiris expressed serious concern about the incidents of violence in the east (in Valaichenai and Muthur areas) that had created communal tension among the Muslim and Tamil communities and called for urgent measures to normalise the situation. He also said that the problems of such nature allow space and opportunity for spoiler elements to capitalise and undermine the peace process.

Mr Hakeem, while expressing serious concern over the plight of his community in the eastern province, blamed LTTE cadres for the outbreak of violence in Valaichenai, which turned into a communal clash between Muslims and Tamils. He called for co-operation and partnership between the LTTE and the Muslims in the east and action to be taken to resolve sensitive issues such as land disputes.

Addressing the problems in the east, I pointed out that the LTTE leadership had already taken steps to improve the security situation in the east and the ethnic relations between Muslims and Tamils in general and the Muslims and LTTE in particular. I argued that the Memorandum of Understanding signed between Mr Pirapaharan and Mr Hakeem, in April in the Vanni, was an example of such a constructive approach. The LTTE leadership had given strict instructions to its cadres to treat the Muslims people with respect and brotherhood. I also cautioned the government delegation of the sinister activities of Tamil para-military groups working with military intelligence, who harass the Muslims in the name of Tigers to cause inter-communal violence with the aim of disrupting the peace process. I also suggested that the Sri Lanka Monitoring Mission (SLMM) should play an active role in restoring peace and normalcy in the east. After a day's deliberations on the security situation in the eastern province both the parties had agreed on the following:

- to reconstitute the SLMM local monitoring

committees.

- to request the SLMM to establish additional sub-offices, particularly in Batticaloa and Amparai districts.
- to establish direct communication between the commanders of the LTTE and the government in the east to improve the security situation.
- to establish a process of regular consultations between the LTTE commander and Muslim political leaders.
- to establish peace committees to resolve local problems and to promote inter-ethnic reconciliation.

The dialogue for the next two days, 1 and 2 November, was centred on the formation of sub-committees, under the auspices of the negotiating teams, to deal with specific matters. These committees would be active and function with relative autonomy, but present progress reports at the main sessions of talks. After lengthy deliberations, the parties finally agreed to form three important sub-committees to deal with three specific matters. (1) Immediate humanitarian and rehabilitation. (2) De-escalation and normalisation. (3) Political affairs. These sub-committees were the brainchild of Milinda Moragoda. He mooted the idea of sub-committees, under the guidance and supervision of the negotiating teams, as a way of bypassing constitutional difficulties.

The first committee to be formed was the *Sub-Committee for Immediate Humanitarian and Rehabilitation Needs (SIRHN)* to replace the Joint Task force. The role and function of SIRHN would be:

- to identify humanitarian and reconstruction needs of the population and priorities implementation of activities to meet these needs. Priority would be given to activities aimed at rehabilitation of internally displaced persons and to humanitarian mine action programmes.
- to decide on the allocation of the financial resources required for prioritised activities.
- to select appropriate agencies for implementation of the prioritised activities.

The sub-committee would ensure the participation of all ethnic communities in the northeast so as to consider their needs and priority should be given to the mobilisation of local labour. The activities and projects initiated by the sub-committee would be financed through a fund called the NorthEast Reconstruction Fund (NERF) vested with an international financing agency.

The parties decided to set-up an administrative secretariat for SIRHN, which would be located in the government Agent's office in Killinochchi and would be composed of eight members, four selected by the LTTE and four by the government. Two members of the respective negotiating teams would lead each team. Accordingly, the parties agreed to appoint the following members to the sub-committee.

LTTE members:

Mr Tamilselvan, Head, Political Wing

Mr Poovannan, Director,
Tamil Eelam Administrative Service

Mr Velupillai Balakumaran,
Senior LTTE member

Dr Jay Maheswaran, Development expert and
resource person on the LTTE's peace delegation.

Government of Sri Lanka:

Mr Bernard Goonetilleke, Director General,
Sri Lanka Peace Secretariat

Mr MDD Peiris, senior advisor to the Minister of
Economic Reform

Mr MIM Rafeek, Additional Secretary,
Ministry of Planning

A Muslim representative to be decided later.

The *Sub-Committee on De-Escalation and Normalisation* was set up by the negotiating teams as a mechanism for structured dialogue between the parties to address matters relating to the Sri Lanka army's High Security Zones which occupied large tracts of residential areas. The sub-committee would also examine ways and means to ensure resettlement, the return of private property and the resumption of economic activities in these areas. The sub-committee would be composed of senior military commanders and high-

level civilian leaders. Two members of the respective negotiating teams would be included in the sub-committee. The SLMM would assist and advise the sub-committee at meetings and would report to the facilitator.

The parties appointed the following members to the sub-committee.

The LTTE:

Colonel Theepan
 Mr Elamparuthi, Jaffna Political Wing
 Colonel Jayam
 Mr Elilan, Head, Vavuniya Political Wing
 Colonel Pathuman
 Mr Tilak, Head, Trincomalee Political Wing
 Colonel Karuna
 Mr Kousalyan, Head, Batticaloa/Amparai Political Wing

Government of Sri Lanka:

Mr Austin Fernando, Secretary, Ministry of Defence
 Major General SHS Kottegoda
 Major General Sarath Fonseka
 Rear Admiral SP Weerasekara
 Brigadier SR Balasooriya
 Mr Nimal Lewke, SSP
 Group Captain Kolitha Gunatlake
 Mr Divinda Kalupahna
 Mr MA Majeed

In the early stages of the negotiation process, the parties agreed that priority should be given to improve the conditions of existence of the war-affected population and to restore peace and normalcy in the Tamil homeland. At the same time, the parties also recognised that negotiations involved addressing complex political issues to reach a negotiated political settlement to the Tamil national question. This involved a deeper study and analysis of legal, constitutional, political and administrative issues. The parties would also address, jointly and separately, global peace efforts, resolutions to world ethnic conflicts, models and systems of government, issues of post-conflict transition etc. To gain a comprehensive understanding of the global political processes and apply such knowledge to explore a suitable political solution, the parties decided to form a

Sub-Committee on Political Affairs. Heads of the delegations to peace talks, Professor Peiris and myself, would chair this Sub-Committee on Political Affairs. Mr Hakeem was included in the government delegation.

Oslo Donor Conference

The international donor conference organised by the Royal Norwegian Government in support of the peace process and to seek immediate international financial assistance, was held at the Holmenkollen Park Hotel, Oslo, on 25 November 2002. Over one hundred government representatives from 37 countries of the Asia-Pacific region, North American and Europe, participated in the conference. The Norwegian Foreign Minister, Mr Jan Petersen, ceremoniously opened the event.

In his opening speech, Mr Jan Petersen urged the international community to financially support the northeast. 'For the peace process to succeed, popular support for peace must be sustained. People must see tangible benefits of peace in their daily lives. Without significant international assistance, this opportunity will be lost,' he said. The Norwegian Minister further stated:

'The parties are showing a high degree of pragmatism and innovation in the peace negotiations. They are showing courage and political leadership in taking a gradual approach. It is incumbent upon donor governments to respond likewise. In our assistance to Sri Lanka, we should be sensitive to the needs of the peace process and make every effort to be flexible and cut through red tape when necessary. In the peace process, the parties are shouldering responsibility for the destiny of Sri Lanka. In the same way, they are taking ownership of rehabilitation and development efforts...

'The parties will rely on the continued support of the peoples of Sri Lanka. There is a groundswell of support for a peaceful settlement, and this must be sustained. It is critical that civil society help to consolidate the broad base of political support. This

needs to be matched by international political and financial assistance, to demonstrate that peace will bring tangible benefits to the long-suffering population.'

Mr Ranil Wickremasinghe, appealed to the international community to help Sri Lanka rebuild the economy devastated by war. 'Without continuing international support and help with resources to build the peace dividend, the momentum for peace could be retarded. With the re-creation of opportunities for growth politicians and negotiators alike will be driven to stabilise and advance the peace,' Mr Wickremasinghe told the conference. The Sri Lankan Premier further stated:

'Our collective experience of pain and deprivation, of armed conflict of eighteen long years, has banished forever the appeal of arms. Human aspirations are anchored in legitimate expectation. During the past 10 months our people, whatever their ethnicity have savoured deeply the fruits of peace.

'The fear which stalked a generation of Sri Lankans has become a thing of the past. Our people have rediscovered for themselves regions of their country, which had been inaccessible to them in recent times. There is no way that the people on the threshold of such possibilities, would give it all up to return of their own volition to the pain and trauma of war.

'Therein, deep in the hearts of all our people, lies the durability of the peace process on which we are now firmly launched. And we will not let our people down. That is our pledge. However with your sustained help now we can make a permanent peace in Sri Lanka happen sooner than later. Support now is of the essence. Let us leave no room for future generations to say that we have missed an unique window of opportunity and be faulted for having done 'too little, too late'. This is the opportunity for the international community that our meeting at Oslo provides.'

Speaking at the occasion, Richard Armitage, United States Deputy Secretary of State, declared that his country would

continue to support programmes that promote peace and good governance. He called upon the LTTE to renounce violence and secession. 'The United States is greatly encouraged that the LTTE has made a commitment to the political solution: it has agreed to settle this conflict through peaceful means. We urge the LTTE to go one step further and add to this commitment a public renunciation of terrorism and violence to make it clear to the people of Sri Lanka and indeed the international community that the LTTE has abandoned its armed struggle for a separate state..' he said.

These unwarranted provocative comments, made by a senior US official, discrediting the Tamil freedom struggle at an international forum organised to support and encourage the parties in armed conflict to seek peace and negotiated settlement, annoyed me. I was aware that the American conception of armed struggle was superficial and biased. Operating with the ill-defined category of political violence, America characterises all forms of conflict and popular agitations that manifest all over the world as 'terrorism', without taking into account the moral basis, the political context and the history of specific struggles fought against state terror and oppression. However, it was not the proper forum to raise controversial debates. Nevertheless, I later had an opportunity to respond to Mr Armitage, in a polite form, briefly explaining the political and historical background of the emergence of the armed resistance movement of the Tamils.

After the tea break, Mr Yashusi Akashi, the Japanese government representative, Mr Peter Lysholt Hanse Hanson, European Union representative, Margot Wallstrom, European Union Commissioner and Claire Short, British Secretary of State for International Development, addressed the forum expressing full support for the Sri Lanka peace process. Thereafter I was called upon to speak. I made the following speech:

'It is a privilege and honour to be invited to address this prestigious conference on behalf of the Tamil people of north-eastern Sri Lanka. I sincerely thank the Royal Norwegian Government for convening this conference; it has provided a forum for the parties in conflict to bring into focus to the international donor community the urgent and critical humanitarian needs of the war affected people.

As concerned nations committed to peace, political stability and economic prosperity in South Asia, you will certainly be eager to know the reality of the current situation and the existential conditions prevailing in the war affected region of northeastern Sri Lanka.

The most remarkable achievement of the negotiating process is that the ethnic war that ravaged the island for nearly two decades, has come to a halt and a stable peace is firmly established on the ground. The parties in conflict have ceased violence under the truce agreement and the guns are silent. The cease-fire agreement, with an effective international monitoring mechanism, has held for the last nine months without any serious violations. A de-escalation process is set in motion to systematically reduce the tensions caused by intense military occupation. Conditions of normalcy are slowly returning to the northeast of Sri Lanka, the region that bore the brunt of the brutal war.

The formal peace talks that commenced on 16 September have made considerable progress with substantial gains. The mode of dialogue has helped to foster friendly inter-personal relations that strengthened mutual trust and confidence. This congeniality promoted co-operation and accommodation. Adopting a realistic, pragmatic and conciliatory approach, the negotiating teams were able to resolve several thorny issues and the talks advanced significantly. The most positive outcome of the negotiations has been the establishment of committees to deal with the urgent issues of restoring normalcy and improving the security situation in the northeast and to rehabilitate the internally displaced persons. These committees are already operational and are addressing critical issues. A political affairs committee has been set up to explore models and systems of governance to formulate a framework for political settlement. This committee has also become functional. The

sessions of talks held so far have clearly demonstrated that the protagonists are earnest and sincerely committed to resolving all issues - peripheral and fundamental - that underlie the ethnic conflict through peace negotiations.

As the negotiating process moves forward with a clear vision and strategy to consolidate the current peace and to seek a permanent solution to the ethnic conflict, there are growing expectations and hopes among the war affected civilian population that their urgent existential needs and wants will be addressed and redressed without delay. For the suffering masses, peace and negotiations have little or no meaning unless they gain the peace dividend in concrete monetary and material assistance without delay. The savage war that ravaged the Tamil homeland has created enormous hardships and monumental humanitarian problems. If the hardships of the people are not remedied and their humanitarian needs are not met, the momentum, the optimism and the confidence that arose from the peace process will be severely undermined.

Please permit me to present here, as briefly as possible, the scale and magnitude of the catastrophic disaster that befell the Tamil people as a consequence of the horrendous war. Since I have lived and worked in the war zones of northern Sri Lanka for years, I feel myself qualified to depict the objective reality of the conditions of life in the Tamil areas.

The notheastern region of Sri Lanka, particularly the northern province, has been the war zone where ferocious battles raged incessantly for nearly twenty years. The conflict arose as a consequence of oppression and alienation of the Tamil people from effective participation in the democratic system of governance. The Tamils also faced discrimination in the allocation of resources and opportunities. As conditions of state oppression and violence intensified the Tamils resorted to armed resistance. In a determined effort to

destroy the Tamil resistance movement and to subjugate the Tamil homeland the previous governments of Sri Lanka unleashed an endless series of military offensive operations with massive firepower. The consequences of such military engagements were disastrous. Ancient cities, historical towns and villages that were dear to our people were razed to the ground. The destruction of Tamil property is immeasurable. Those of you who have travelled across Vanni along the A9 highway to Jaffna would have observed the scale and magnitude of the destruction of the built-up areas. Some devastated ghost towns invoke the memories of the tragic scenes of the Second World War. The Tamil civilian casualties of the war have been extremely high. More than sixty thousand Tamil civilians perished in the war. The aggressive nature of the war up-rooted huge Tamil populations from their traditional villages and towns. Nearly a million people became internally displaced. Several thousands fled to India and abroad. There were serious violations of human rights in the military occupied Jaffna including the disappearance of several hundreds of persons.

Though the armed conflict has come to an end, the tragic conditions created by the war in the northeast continue to cause enormous suffering to the civilian population. The internally displaced are still languishing in refugee camps and welfare centres in appalling conditions. Those who have returned to their damaged or destroyed homes face a miserable existence without proper shelter. The poverty and unemployment in the Tamil homeland is pervasive. The war has systematically and effectively destroyed the social and economic infrastructure. The fertile agricultural lands have been turned into minefields and therefore abandoned. It is estimated that anti-personnel landmines numbering over two million are littered around the civilian environment in the north, posing a major threat to life. The task of de-mining has become

crucial as huge populations await resettlement in the environment infested with anti-personnel mines and unexploded ordinances. The war as well as the economic embargo that was imposed on our people by the last government has seriously undermined the agricultural and fishing industries that form the economic foundation of the Tamil nation. The war has crippled the Tamil national economy and shattered the livelihood of the Tamil civilian masses. The people of the northeast are the real victims of this brutal war and therefore they deserve urgent and immediate assistance.

You are well aware that the Sri Lanka government, faced with a critical economic situation, cannot undertake the immense task of rebuilding the war damaged economy of the northeast. Resettlement, rehabilitation and reconstruction constitute a monumental endeavour; the cost of such an enterprise is beyond the internal resources of the government. Therefore, both the parties have decided to seek the assistance from the concerned international governments. The Sub-Committee for Immediate Humanitarian and Rehabilitation Needs of the Northeast, constituted by the representatives of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam, is making a joint appeal to the international community specifying the central areas of concern and emphasising the urgent and critical needs.

As we continue to engage in the difficult task of resolving the complex issues underlying the protracted ethnic conflict, we urge the international governments to offer substantial financial assistance for the resettlement and rehabilitation of the war affected people in the northeast. This assistance should reach our people without delay as tangible benefits of the peace process. Concrete international assistance at this critical stage of negotiations will demonstrate the international political support for the peace process. International backing is crucial at this juncture to

silence the subversive elements that are opposed to peace and ethnic reconciliation. Such a gesture will generate confidence among the people, create a positive atmosphere and help to advance the negotiating process towards the goal of permanent peace.

We are conscious of the fact that the international community, particularly the donor nations, is fully supportive of the current peace process. They strongly advocate a negotiated political settlement to the ethnic conflict.

On our part, we can assure the international community that our organisation is sincerely and firmly committed to peace and negotiated political settlement. We will continue to make every endeavour to advance the negotiating process towards its ultimate aim of finding a permanent solution to the Tamil national question. As solemnly pledged in the truce agreement, we will not resort to war or violence. We fervently hope that the Sri Lankan armed forces will also abide by that commitment. Both the parties have realised the destructive nature of war. There is no need to recourse to violence if our people are not subjected to repression, if the will and aspirations of our people are respected, if the political conflict is resolved by political negotiations. We pledge that we will strive our best to avoid all possible conditions of conflict and pursue the path of peace with commitment and dedication, until we establish a permanent peace and a permanent solution to the ethnic conflict.

After a day of deliberations international governments pledged 70 million dollars in immediate humanitarian aid. 'It was a promising signal of confidence in the Sri Lanka peace process for the international donors,' Mr Helgesen told the media. The government representatives from Asia-Pacific region, North America and Europe who participated at the conference issued a joint statement expressing strong support 'for the historic peace process.' The statement said:

'While the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have already

achieved important results, which have required great political courage, we urge both parties to exert further expeditious and systematic efforts, without recourse to violence, to resolve the hardcore political issues in order to achieve a lasting political settlement of decades of protracted conflict.

‘The Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have already taken resolute steps towards peace. They face many challenges in seeking a lasting political settlement, acceptable to all communities living in the island. We therefore pledge to support their efforts with financial assistance to the peoples of Sri Lanka and continued encouragement to the parties in their search for a lasting peace through a negotiated final resolution to the conflict.’

Dr Jay Maheswaran, Mr Reggie, Head of the Tamils Rehabilitation Organisation, Mr Suthaharan Nadarajah, press coordinator, Adele and myself comprised the LTTE delegation. In the evening, after the event, I met Mr Ranil Wickremasinghe and discussed with him the ground situation in the Tamil homeland.

At the conference I also had a meeting with Mr Akashi. The Japanese diplomat enquired about the progress in the negotiations and expressed Japan’s desire to be involved in the Sri Lankan peace process. He further said that Japan had decided to organise a major donor conference in Tokyo, in May 2003, to mobilise funds from the international community for reconstruction and development projects in the island.

When I queried Erik Solheim concerning the reasons behind Japan’s interest in the peace process, he replied that the Japanese were interested in raising their political profile in international relations. The Japanese had become dejected and tired of paying the bills for reconstruction and development in post-conflict situations and not gaining any political recognition for their significant economic contributions. Japan was the major provider of economic aid to Sri Lanka and now viewed the current peace process as an opportunity to play a political role as a peace-maker, Solheim further explained.

The Oslo Donor Conference signalled a significant turning point in the Sri Lankan peace process. It created a space and an

opportunity for powerful international governments to become more involved in the peace process with divergent economic and geo-political interests. At the initial stages, the role of the international community was to encourage the protagonists to seek the path of negotiated settlement with pledges to mobilise resources for reconstruction and development. Following the Oslo conference with America, the European Union and Japan playing dominant roles, the development aid was tied to the progress of the talks; the peace dividend was pledged as reward for the renunciation of armed struggle and the quest for secession. Encouraged by Wickremasinghe's grand strategy of mobilising the international community as a 'safety net' to contain the LTTE, international actors began to be more actively involved in imposing constraints and prescribing parameters on one party (the LTTE) that began to shift the strategic equilibrium in Sri Lanka's favour. Apprehensive about this development, the LTTE criticised 'excessive internationalisation' as having a negative impact on the peace process. Furthermore, the Oslo Donor Conference, while it opened the door for Japan to play a significant role, also contributed to the marginalisation of India, the South Asian super-power, which had national and geo-strategic interests in the region. The other significant shortcoming was that the donor conference secured pledges of support for reconstruction and development in the war ravaged areas before institutionalising an effective mechanism for the utilisation of aid funds.

Third Session of Talks

A week before the third session of peace talks, the LTTE leader, Mr Pirapaharan, made a significant policy statement on the Tamil national question, in his Heroes' Day speech on 27 November 2002. Pirapaharan declared:

'The objective of our struggle is based on the concept of self-determination as articulated in the UN Charter and other instruments. We have always been consistent with our policy with regard to our struggle for self-determination. Tamil homeland, Tamil nationality and Tamils' right to self-determination are

the fundamentals underlying our political struggle. We have been insisting on these fundamentals from Thimpu to Thailand. Our position is that the Tamil national question should be resolved on the basis of these core principles. Tamils constitute themselves as a people, or rather as a national formation since they possess a distinct language, culture and history with a clearly defined homeland and a consciousness of their ethnic identity. As a distinct people they are entitled to the right to self-determination. The right to self-determination has two aspects: external and internal. The internal right to self-determination entitles a people to regional self-rule.

‘The Tamil people want to live in freedom and dignity in their own lands, in their historically constituted traditional lands without the domination of external forces. They want to protect their national identity pursuing the development of their language, culture and economy. They want to live in their homeland under a system of self-rule. This is the political aspiration of our people. This constitutes the essential meaning of internal self-determination. We are prepared to consider favourably a political framework that offers substantial regional autonomy and self-government in our homeland on the basis of our right to internal self-determination. But if our people’s right to self-determination is denied and our demand for regional self-rule is rejected we have no alternative other than to secede and form an independent state.’

Pirapaharan’s statement, expressing a willingness to consider models of regional autonomy and self-government for the Tamil nation, became a crucial issue for discussion and clarification at the third round of peace talks, held at the Radisson SAS Plaza Hotel, in Oslo, between 2-5 December 2002. The LTTE negotiating team remained unchanged. On the Sri Lankan side, the missing delegate was Mr Rauf Hakeem, who rushed back to Colombo soon after his arrival in Oslo, to sort out an internal party revolt. However, in his absence, Mr MIM Mohudeen, the SLMC’s advisor, was present as

a resource person.

As the talks opened with the discussion on the Sub-Committee on De-escalation and Normalisation, I presented a critique of the attitude and behaviour of the Sri Lankan army occupying the Tamil homeland, particularly in the Jaffna peninsula. The military personnel were hostile towards the civilian population and refused to vacate public buildings in violation of the ceasefire agreement. While denying the right of access of the displaced to return to their homes, which constituted a serious violation of UN conventions on the rights of the displaced, the Sri Lankan army was building new camps to consolidate its position. Because of the intransigence of the army, the formidable humanitarian problem of the displaced could not be resolved. In these circumstances the LTTE leadership felt that the Sub-Committee on De-Escalation and Normalisation served no meaningful purpose, I pointed out. Defence Secretary, Mr Austin Fernando, responded with a feeble explanation that the Sri Lankan forces needed time to move to alternative locations and to construct new camps.

Raising the issue of de-mining, Professor Peiris said that the government was interested in signing the Ottawa Agreement, but could not unilaterally do so unless the LTTE reciprocated positively. For security reasons, I responded, the LTTE was reluctant to sign the agreement. Mr Pirapaharan had already explained to Mr Helgesen that unless the Sri Lankan army took constructive steps towards de-escalation, the LTTE would not commit to de-mining, I told the Sri Lankan negotiators. I further explained that the LTTE had embarked on a massive programme of de-mining and had cleared vast tracts of territory in Vanni, facilitating re-settlement of the displaced.

Mr Tamilselvan presented a report on the meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIRHN) and complained that the functional process was slow and ineffective. Jay Maheswaran underscored the need to move rapidly and effectively to embark on humanitarian and rehabilitation programmes in the northeast. For this purpose, the parties agreed to establish the North-East Reconstruction Fund (NERF), as soon as possible. The parties also agreed that the custodian of the fund must be selected from international funding agencies, the World Bank, International Monetary Fund or the Asian Development Bank, and

modalities for its operation agreed at the next meeting of the sub-committee.

The importance of gender issues in relation to the peace process was discussed. The parties agreed to form a women's sub-committee to explore the inclusion of gender issues in the peace process.

Realising the need to improve the conditions of children, the parties agreed to adhere to international norms, protecting the rights of the child. The LTTE agreed to engage in partnership with the United Nations Children's Fund (UNICEF) to draw up an action plan for the rehabilitation of children.

Exploring Federal Solution

At this session of talks the parties agreed to explore a federal solution founded on the principle of internal self-determination. Since this decision has been projected as a major political breakthrough, a 'paradigm shift', and has become known as the 'Oslo Declaration', with interpretations claiming that the LTTE has abandoned the right to external self-determination and secession, I feel it necessary to clarify our position on this controversial issue.

Firstly, it must be stated that there was not any specific proclamation titled the 'Oslo Declaration'. The decision to explore federalism was included in the record of decisions at the Oslo talks and signed by the chief negotiators of both delegations and the head of the Norwegian facilitating team. It was later announced in the press communiqué released by the Norwegian Foreign Ministry.

Secondly, the decision was made in accordance with the proposal outlined by the LTTE leader in his Heroes' Day speech. Pirapaharan operates his concepts and categories within the overall framework of the right to self-determination, with its internal and external aspects. As a distinct people, the Tamils are entitled to both internal and external elements of self-determination. By invoking the right to internal self-determination he states that his people are entitled to regional autonomy and self-government. To quote him again: 'We are prepared to consider favourably a political framework that offers substantial regional autonomy and self-government in our homeland on the basis of our right to internal self-determination.' But at the same time, he cautioned that if

this internal element of self-determination is blocked or denied and that the 'demand for regional self-rule is rejected we have no alternative other than to secede and form an independent state.' In this context he enunciates the right to external self-determination as the last and the final option. Therefore, it is very clear that he operates with both aspects, the internal and external elements of the right to self-determination. I have also given similar expositions of Pirapaharan's conception in media interviews and speeches. Before delving into more depth on the legitimacy of our position in terms of UN Declarations and international law, I wish to clarify as to why we opted to *explore* a solution based on a federal structure.

At this session of talks, international resource persons from the Forum of Federations in Canada were in attendance and available for discussions with both parties. The Forum's experts included the former Premier of Ontario, Mr Bob Rae, Chairman of the Board of Directors, Professor David Cameron, from the Department of political science, University of Toronto, and Mr Karl Narenberg, Director of Communications and senior editor with the Forum. The LTTE delegates had two sessions of discussions with the Canadian experts. Pirapaharan's Heroes' Day policy statement became the centre of discussion.

I presented Pirapaharan's position, or rather, his demand for regional autonomy and self-government under the right to internal self-determination. Professor David Cameron argued that as an oppressed people, discriminated against and denied access to governance, the Tamils were eligible to exercise their right to internal self-determination and could demand self-governance. But he said that 'regional autonomy and self-government', the categories used by Pirapaharan, were vague, imprecise concepts. Supporting Cameron's argument, Bob Rae said that the LTTE should articulate using concrete concepts that reflect the realities of the modern world. He said that our demands and political goals should not be couched in ill-defined and abstract categories. 'You should articulate your views in terms of structures and systems of governance as they exist in the current world so that the policies of your organisation will be intelligible and will be acceptable to the international community if they are reasonable,' said Rae. The Forum's experts argued that our demand for regional self-rule could only be accommodated within a federal system of government, which was

essentially a political system combining self-rule and shared rule, two orders of government interacting at the centre and regional levels.

I felt that the Canadian experts were correct in their assessment that both the LTTE, as well as the Sri Lankan government, were articulating abstract categories that did not correspond to actuality. Sri Lankan politicians continued to use the concept of '*devolution of power*' to regions, in their peculiar vision of federal models, whereas federal constitutions dealt with '*sharing of power*', or rather, assigning sovereign power to regional and central governments.

Having given serious reflection to their view point, I told them that the LTTE was prepared to study and explore, in more depth and detail, the structures and systems of federal governments in relation to our own specific conditions, before committing ourselves to particular models. Later, Professor Peiris and I formulated the following as a joint decision:

'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.'

Self-Determination: Internal and External

The right to self-determination is an evolving concept. It is a developing principle in international law as well as a universal human right guaranteed by international human rights instruments. Originally, the right to self-determination dealt with the colonial peoples and their entitlement to political independence and statehood. By 1970, the UN Declaration on Principles of International Law Concerning the Friendly Relations and Cooperation Among States, the right to self-determination assumed a definite and precise meaning in its internal and external dimensions. Under the heading entitled, 'Principles of Equal Rights and Self-Determination', the Declaration states:

‘By virtue of the principle of equal rights and self-determination of people’s enshrined in the charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and every state has the duty to respect this right in accordance with the provisions of the charter.’

Implicit in the principle of the 1970 UN Declaration is a clear distinction between internal and external aspects of self-determination. The right to self-determination is normally realised internally, within existing states. ‘Every state has the duty to promote, through joint and separate action, the realisation of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the charter,’ says the Declaration. The Declaration upholds the territorial integrity and political unity of sovereign and independent states. Nevertheless, it qualifies its statement by stating that states can only invoke the principle of territorial integrity if they are ‘conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to a territory without distinction as to race, creed or colour.’

Based on the 1970 Declaration and other international instruments, the Supreme Court of Canada, on the question of Quebec secession, made the following determination on the relations between internal self-determination and territorial integrity of the state:

‘There is no necessary incompatibility between the maintenance of the territorial integrity of existing states including Canada, and the right of a ‘people’ to achieve a full measure of self-determination. A state whose government represents the whole people or peoples without discrimination and respects the principles of self-determination in its own internal arrangements, is entitled to protection under international law of its territorial integrity.’⁴

The 1970 UN Declaration, as well as the Canadian Supreme Court decision, do not entirely rule out the right to external self-

determination i.e. secession. 'The Declaration affirms state's right to territorial integrity. The one exception implied in the Declaration where secession might be permitted is where a state forfeits its right to territorial integrity by abuse of minority group.'⁵

The Canadian Supreme Court, commenting on the specific circumstances where the right to unilateral decision be exercised, states:

'...the right to external self-determination, which entails the possibility of choosing (or restoring) independence, has only been bestowed upon two classes of people (those under colonial rule or foreign occupation)..

'The right of colonial peoples to exercise their right to self-determination by breaking away from the 'imperial' power is now undisputed..

'The other case where the right to external self-determination occurs is where a people is subject to alien subjugation, domination or exploitation outside a colonial context..

'A number of commentators have further asserted that the right to self-determination may ground a right to unilateral secession in a third circumstance. Although this third circumstance has been described in several ways, the underlying proposition is that, when a people is blocked from the meaningful exercise of its right to self-determination internally, it is entitled, as a last resort to exercise it by secession.'⁶

The internal and external aspects of the right to self-determination are interlinked. The UN instruments as we have seen, place the obligation on the states to ensure the principles of equal rights and self-determination of peoples are fulfilled internally. Furthermore, the states can only invoke their right of unity and territorial integrity if those principles (equal rights and self-determination) are realised within the existing state. If a people are denied their right to internal self-determination, deprived of access to governance and subjected to conditions of oppression and discrimination, they are entitled to external self-determination. Based on the determination of the Canadian Supreme Court and on the 1970 UN Declaration, there is a growing body of written works supporting

the legal entitlement to external self-determination if peoples are denied the right to internal self-determination and subjected to state repression. It is within this context LTTE's theoretical position has to be examined.

The Tamils, living predominately in the northeastern region of Sri Lanka, constitute themselves as a distinct people. As a people, they are entitled to the right to self-determination, to both internal and external aspects. Under the right to self-determination, the Tamil people are entitled to freely determine their political status and to pursue their social, economic and cultural development. As Pirapaharan said in his 2002 Heroes Day speech, '...they want to protect their national identity... they want to live in their homeland under a system of self-rule. This is the political aspiration of our people. This constitutes the essential meaning of internal self-determination.'

Having invoked the principle of internal self-determination, Pirapaharan calls upon the Sri Lankan state to offer self-rule to the Tamil people in their own homeland. However, the LTTE leader was not confining himself to the parameters of the principle of internal self-determination. Knowing very well that the Sri Lankan state, entrenched in chauvinistic ideology, would not comply with 'the principles of equal rights and self-determination' as demanded by the UN resolutions, he warned that if our people's right to internal self-determination was denied and the demand for self-rule was rejected, the Tamils would unilaterally secede under the right to external self-determination. The LTTE's theoretical position is based on the specificity of the conditions of oppression of our people and their political struggle, a legitimate struggle that combines the internal and external dimensions of the right to self-determination. In essence, the LTTE's policy orientation is charted in compliance with the principles of international law and UN resolutions.

The Controversy Over High Security Zones

The second meeting of the Sub-Committee on De-Escalation and Normalisation was held in Muhamalai, the border town in the southern Jaffna peninsula, on 14 December 2002. The meeting lasted seven hours. The LTTE and the government delegations discussed the critical issue of High Security Zones (HSZ),

particularly in the Jaffna peninsula. The LTTE delegates emphasised the urgency of resettling the internally displaced people in their homes and villages declared by the army as High Security Zones. General Sarath Fonseka, Commander of the Sri Lankan army in the Jaffna peninsula, agreed to submit a plan before 21 December, for civilian resettlement in the HSZs. This plan would be discussed and agreed upon in a later meeting between General Fonseka and Colonel Theepan, LTTE Commander of the North, assisted by General Furuhovde, the Head of the SLMM.

As promised General Fonseka submitted his proposal to the LTTE on 20 December, under the title, 'De-Escalation Plan'. The document containing his proposals was sent to LTTE headquarters through the SLMM. Fonseka's plan created a furore, since he demanded disarming of the LTTE as a condition for de-escalation and resettlement of the displaced. General Fonseka insisted that the Sri Lankan army would consider allowing the displaced back to their homes and villages only if the LTTE agreed to 'disarm its cadres and decommission of its long range weapons.' Written in hostile and bellicose language, Fonseka's letter characterised the LTTE as 'terrorists' and protested that relaxing the difficulties of the displaced would enhance the LTTE's image. 'Resettling civilians in the HSZ can bring about a big political success to the LTTE. Therefore, it can have a direct impact on the political situation in Jaffna which may probably go in favour of the LTTE.' General Fonseka also cautioned the government, that 'no risks or chances should be taken to weaken security by making HSZ vulnerable.'

The LTTE outrightly rejected the plan proposed by the Jaffna Army Commander. In an angry response, an official statement issued by the LTTE on 26 December accused the Sri Lankan military hierarchy of imposing unacceptable and unrealistic conditions for the resettlement of the internally displaced people. The LTTE's statement blamed the military for placing insurmountable obstacles in the path of peace and normalcy. 'Disarming of the LTTE cadres and de-commissioning of their weapons are non-negotiable issues at this stage. These are critical issues linked to the safety and security of the Tamil people. To raise the issue at this stage of the peace process and stipulate it as a condition for the humanitarian task of resettlement has a diabolical motive of disrupting the current peace effort,' the statement said. The following are the extracts of the

LTTE's statement:

'The LTTE leadership has critically reviewed the document put forward by the Sri Lanka Army commander of Jaffna, Major General Sarath Foneska, with regards to de-escalation and return to normalcy of civilian life in the Jaffna peninsula which was sent to the LTTE through the SLMM.

'The considerable difficulties faced by the large numbers of Tamil people displaced from their homes in Jaffna by Sri Lankan military offensives over the past two decades have been recognised as deep humanitarian concerns by all parties in the peace process. The importance of returning normalcy to the Jaffna peninsula, to expedite the resettlement of the displaced people, is also reflected in the specific obligations in the cease-fire agreement signed by the Sri Lankan government and the LTTE in February 2002. Regrettably, to date, these aspects of the cease-fire agreement have not been fully implemented by the Sri Lankan military. The limited progress in this regard has been made with great reluctance on the part of the military and under considerable public and international pressure.

'The issue of restoring normalcy has also been taken up repeatedly in the direct negotiations between the LTTE and the GOSL in Thailand and Norway. The resulting formation of two sub-committees, the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and Sub-committee on De-Escalation and Normalisation (SDN) were motivated by the urgent need to quickly address this problem.

'Having carefully studied General Fonseka's document, it is quite clear that the Sri Lanka military is simply not prepared to ease urgent existential problems of the people of Jaffna. In fact, these problems have been trivialised as secondary to the security forces' own comfort and concerns. Furthermore, apart from the belligerent and hostile tone of its document,

the SLA is reducing the considerable difficulties faced by the people of Jaffna to the question of whether political benefits that may or may not accrue to the LTTE should be permitted.

‘Most importantly, the SLA is now making its adherence to the normalisation aspects of the standing cease-fire agreement and the subsequent agreements reached by the LTTE and the GOSL at the direct talks, conditional on the LTTE’s disarming of its cadres and decommissioning of its weapons. These conditions are unacceptable and unrealistic.

‘Inevitably, the SLA’s refusal to honour the commitments already reached between the GOSL and the LTTE seriously undermines the ongoing peace process. The step-by-step approach hitherto adopted by all parties is intended to build confidence on both sides. As such, the SLA’s refusal to honour the agreements already reached considerably weakens this confidence. In particular, the Sub-Committee on De-Escalation and Normalisation is rendered irrelevant by the SLA’s new conditions for de-escalation. The SDN was formed specifically to work out the details of returning civilian homes and properties presently occupied by the military to their rightful owners. As such, and as long as the SLA insists on its unacceptable demands that the LTTE must disarm and decommission its heavy weapons, there is no purpose to be served by further meetings of the SDN. We also point out that the SLA’s reluctance to permit the resettlement of civilians in areas it has occupied and demarcated as High Security Zones also hampers the functioning of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs.

‘It is quite clear that the Sri Lankan Army is opposed to the peace process and is adopting a hard-line position in full awareness of the negative impact this will have on efforts to resolve the conflict in Sri Lanka. As such, while refusing to honour its obligations under the cease-fire agreement and subsequent

commitments made by the Sri Lanka government, is now making the easing the difficulties of the people of Jaffna conditional on unacceptable demands on the LTTE.'

While the controversy was raging over General Fonseka's plan on the HSZs, SLMM chief General Furuhovde issued a statement on the ground situation on 26 December, to mark the anniversary of the ceasefire. The LTTE leadership was irritated by his comments on the HSZ, which favoured General Fonseka's hawkish position. Furuhovde advanced the theme of 'balance of forces', to reinforce his position. He observed:

'In order to build peace the forces on both sides must be kept stable. In Jaffna, simply dismantling High Security zones for resettlement and handing over land for cultivation will decrease both security and combat potential of the government forces. The balance of forces is the basis of the ceasefire agreement and disturbing that balance is disturbing the ceasefire.'

Annoyed by the comments of the head of the SLMM, Pirapaharan requested me to respond to General Furuhovde, saying that his justification of General Fonseka's hard-line position had rendered the Sub-Committee on De-Escalation and Normalisation defunct. He also requested me to convey his decision to dissolve the sub-committee to the Sri Lankan peace delegation at the next round of talks. Accordingly, in my capacity as the chief negotiator for the LTTE, I wrote to General Furuhovde:

Dear General Furuhovde,

We have carefully scrutinised the statement released by you yesterday (26.Dec.2002) on the issues of normalisation, de-escalation, resettlement and High Security Zones. Though your evaluation of one-year cease-fire period under the truce agreement has optimistic and positive elements, your comments and value judgements on the security situation in Jaffna are unacceptable to us.

You are fully aware that the issue of resettling hundreds of thousands of internally displaced persons in the Jaffna peninsula has evolved into a formidable

humanitarian problem and has become the central problematic in the peace dialogue as well as a major public agitation. The SLA has forcefully usurped the public property to the extent of 30% of landmass of Jaffna and claims the area as 'high security zones'. The belligerent refusal of the SLA to allow IDPs to reclaim their property, you are fully aware, constitutes a serious violation of the human rights and individual freedoms. Furthermore, the SLA has not yet fully implemented its obligations of the cease-fire agreement by vacating from public places and removing restrictions on fishing. Under these circumstances, the hard-line statement issued by the Jaffna military commander General Sarath Fonseka linking the process of de-escalation to the de-commissioning of the our cadres, has severely undermined our confidence in the peace process and aggravated public frustrations.

What has deeply disillusioned us is your intervention on behalf of the SLMM justifying the continuous existence of the High Security Zones on security grounds. We cannot accept your argument or rather your judgement, that any disturbance of the High Security Zones 'will decrease both security and combat potential of the Government forces'. This adjudication simply reinforces the SLA's position on the illegal military occupation of public property. This purely militaristic argument to support your thesis on balance of forces has completely ignored and trivialised the grave humanitarian issue of the displaced population.

You are aware that the LTTE is not calling for the withdrawal of troops from Jaffna or total dismantling of camps. Rather we suggest the relocation of military positions in built-up civilian areas and settlements to facilitate the resettlement of IDPs. Furthermore, the LTTE cadres are totally disarmed in the military controlled region of Jaffna and therefore cannot pose any serious threat to the military, nor can they cause any

disturbance in the balance of forces.

As far as we are concerned, de-escalation and normalisation are inter-related concepts denoting the process of restoring normal civilian life by reducing the level of intensity of conflict. Your position justifying the intense military occupation of Jaffna depriving the displaced their homes and decent peaceful living is untenable with the political and philosophical principles advocated by you in your statement. You may be aware that High Security Zones in densely populated areas are operating with the sinister motive of using innocent civilians as shields for security cover, a notorious method that cannot be justified under any theory of balance of forces.

In conclusion we regret to say that the hard-line position of the Jaffna army commander and your assessment legitimising High Security Zones have rendered the sub-committee on de-escalation and normalcy as irrelevant and meaningless which has its implications on the functioning of the sub-committee for humanitarian needs, the gains of the historic peace process.

Fourth Session of Talks

The fourth session of talks took place at the Rose Garden Hotel, Nakorn Pathom, Thailand, in the backdrop of a tense politico-military situation. A media controversy had already blown-up following the leakage of the secret security document on the HSZs to the newspapers by the military hierarchy. In the meantime, the Sri Lankan Army Commander, General Balagalle, just a few days before the Thailand talks declared, in a public meeting, that the displaced Tamil civilians would not be allowed to resettle in occupied villages in the High Security Zones unless the LTTE first laid down its heavy weapons. To add fuel to the fire, President Kumaratunga congratulated Fonseka for his brave stand on the HSZs, when he met her at the Presidential Palace. The hard-line, confrontationist posture of the military hierarchy, supported and encouraged by the

President, dealt a severe blow to the project of de-escalation, a crucial measure for restoring normal civilian life in the Tamil homeland. I felt the peace process was slipping into a major crisis. But I was surprised to find the Sri Lankan negotiating team, as well as the Norwegian facilitators, composed and cheerful, unruffled by the controversy over the HSZs.

When the talks opened I registered a strong protest to General Fonseka's 'impossible and irrational conditions' for the resettlement of displaced in the 'military occupation zones'. I gave a lengthy address on the predicament of our people who were denied access to their homes under conditions of peace, which I termed as a serious violation of the UN Conventions on the Rights of the Displaced. The central obligations of the ceasefire agreement and the fundamental objectives of the Sub-Committee on De-Escalation and Normalisation were rendered useless by the attitude of the Sri Lankan army. The peace process itself was seriously threatened. The LTTE leadership was deeply disillusioned, and because of the army's attitude Pirapaharan considered the sub-committee defunct, I said. I was surprised that there was no response to my critique from the Sri Lankan negotiators. Either failing to realise the seriousness of the issue I was trying to convey, or, in an attempt to play-down the matter, the Sri Lankan delegates felt that I was unnecessarily angry and emotional. Looking into the agenda, Vidar Helegesen pointed out that the day's topic was the Sub-Committee on Immediate Rehabilitation and Humanitarian Needs (SIRHN) and the next day's discussions would be on the Sub-Committee on De-Escalation. The indifference to this issue at the negotiating table irritated me, and I muttered to myself, 'The sub-committee on de-escalation is dead.'

Tamilselvan presented his report on the meetings of the Sub-Committee on Immediate Rehabilitation and Humanitarian Needs. Having criticised the sluggishness of the sub-committee, he emphasised the need to implement humanitarian and rehabilitation programmes. The delay in getting humanitarian relief resulted in a significant erosion of confidence among the Tamil people in the peace process. The socio-economic conditions of the people were deteriorating. The displaced and the refugee population were languishing in camps and welfare centres in despair and frustration. The infrastructure in the northeast was totally destroyed and no action had

been taken to improve the situation. The Tamil people, who bore the brunt of the war and suffering, were becoming more and more impatient, he said. He complained that several government institutions and bureaucratic structures concerned with rehabilitation work in Tamil areas were working at cross-purposes and should be streamlined under SIRHN.

After a lengthy discussion, it was decided that the government would promote SIRHN as the prime decision-making body in dealing with immediate humanitarian and rehabilitation needs. Various government institutions engaged in rehabilitation work in the northeast would be co-ordinated with the SIRHN. Furthermore, both parties agreed on the selection of the World Bank as the custodian of the North-East Reconstruction Fund (NERF).

The negotiating parties agreed to appoint five representatives each to the Sub-Committee on Gender Issues. The LTTE appointed, Ms Sivahami Subramaniam, Ms Renuga Shunmugarajah, Ms Mathimalar Balasingam, Ms Sridevi Sinnathamby and Ms Vasantha Somasundarm, to speak on gender issues in the peace process. Dr Kumari Jayawardena, Dr Deepika Udagama, Ms Kumudini Samuel, Ms Faizoon Zakariya and Dr Fazeela Riya represented the Sri Lankan side.

Following the first day's sitting, I met a group of journalists in the reception hall of the Rose Garden Hotel in the evening. They tried to pin me down on questions regarding the controversy raised by General Fonseka on the HSZs and about the future functioning of the Sub-Committee on De-Escalation and Normalisation. Having rejected the conditions stipulated by Fonseka as 'provocative and impracticable', I said, 'that the Sub-Committee on De-Escalation had become defunct as the consequence of the army's hard-line position.' Answering further probing by inquisitive journalists, I said that the sub-committee was dead and that it would no longer function. Later, I was informed that Professor Peiris had already briefed the journalists, painting a positive picture about the progress of the peace talks and the well being of the sub-committee! The following morning the news reports highlighted the contradictory statements made by the chief negotiators, projecting positive and negative views.

On the second day, when I led the LTTE delegation into the meeting hall, I could sense hostility and gloominess from the stern

faces of the government delegation, who were standing in a corner in two groups, engaged in serious dialogue with the Norwegian facilitators. The usual warm, cheerful greeting of 'good morning' was absent. We seated ourselves in the opposite corner and waited, wondering what had gone wrong. A few minutes later a disconcerted Professor Peiris approached me and protested that my press interview, claiming that the Sub-Committee on De-Escalation had become defunct and non-functional, contradicted his previous press briefing on the status of the committee. 'Now I will be seen to be a liar,' he charged in an acrimonious tone, quite uncharacteristic of the soft-spoken, well-composed gentleman. I was taken aback. 'I told the journalists the truth. The LTTE leadership has decided to withdraw from the Sub-Committee on De-Escalation because of the unacceptable conditions stipulated by the Sri Lankan army. I didn't say anything to offend you, nor did I have any knowledge of the version of your brief,' I tried to explain to Professor Peiris. Mr Helgesen intervened to say that the proper procedure was to announce the decisions of the LTTE leadership at the sessions of talks. 'That was precisely what I was attempting to do and nobody took me seriously,' I retorted. Neither the chief negotiator for the government, nor the chief facilitator seemed satisfied with my explanation. The acrimony continued. I stuck to the position that the LTTE would not participate in the Sub-Committee on De-escalation as an expression of our strong protest against the hard-line attitude of the army. When everybody realised that our position was irrevocable, the heat of the emotions died down.

During the discussions on the topic of de-escalation, I argued that the President and the military hierarchy had given priority to security issues over and above the critical humanitarian crisis. By imposing a set of impossible demands, the armed forces had effectively blocked the resettlement of hundreds of thousands of displaced people. No meaningful purpose would be served by the meeting of the Sub-Committee if the displaced could not return to their homes. The decision of the LTTE to boycott the meeting entailed the demise of the sub-committee, I argued.

The Sri Lankan delegates, as well as the Norwegian facilitators, were unhappy over our decision to discontinue participating in the Sub-Committee. It was the first major setback to the peace process. The collapse of the Sub-Committee meant that resettlement of the

displaced, an urgent humanitarian priority, could not be implemented. The discontinuation of the Sub-Committee on De-Escalation would seriously affect the activities of the other sub-committee, SIRHN, which was concerned with similar humanitarian projects.

Mr Morogoda informed us that with regard to the controversy over the HSZ's issue, the Government of Sri Lanka had sought the assistance of an Indian military expert (Lieutenant General Satish Nambiar) to carry out a review of the problem, taking into account the relevant humanitarian and security needs. I told Mr Morogoda, that any reviews or recommendations from anybody linking the issue of resettlement in the HSZs with decommissioning would be unacceptable to the LTTE.

Fifth Session of Talks

For health reasons, I requested a break from long distant travel and for a shorter session of talks, and so the fifth sessions were held on 7-8 February 2003, in Berlin, Germany.

In the meantime, Lt. General Nambiar's preliminary report on the HSZs was leaked to the Colombo press. In his 'observations and reflections' on the HSZs, Nambiar noted, 'Any review of the scope and content of the HSZs will only come about if the LTTE deposits its weapons to neutral supervision and initiates measures to withdraw from frontline positions into nominated areas.' Nambiar was opposed to any proposals for a unilateral de-escalation by the Sri Lankan army in the north. In his final report he made this point very clear by stating that, 'Any dismantling of the HSZs or the forward defences of the Sri Lankan Defence Forces (SLDF) will have to be matched by simultaneous dismantling of the LTTE operational military positions.'⁷

The LTTE leadership outrightly rejected Nambiar's recommendations on the HSZs. In an interview to the Tamil Guardian on Nambiar's report, I observed,

'It is interesting to note that General Nambiar's attempt to link the humanitarian problem of resettling the refugees to a militaristic issue of balance of forces giving over-riding precedence to an imaginary security vulnerability of the government troops is clearly

reflected in the statements by the Jaffna military commander General Fonseka and the SLMM's chief General Furuhovde. In our view any attempt to connect the return of refugees and IDPs to their own homes in Jaffna Peninsula to the demobilisation of LTTE's fighting formations confined to barracks in Vanni jungles is illogical and ridiculous. Re-modification of the security system of the so-called 'high security zones' to facilitate the return of the refugees and displaced is a cardinal obligation of the state. Sri Lanka can seek advice from any international experts without jeopardising its strategic and security concerns. But the LTTE will fiercely oppose and reject any proposal that makes resettlement of refugees conditional upon de-commissioning of LTTE weapons.⁸

Just a few hours before the fifth session of peace talks started in the Norwegian Embassy, I received an urgent message from Vanni saying that the Sri Lankan Navy had impounded an LTTE boat near Delft Islands, off the Jaffna peninsula, and the vessel was being towed to the Navy camp. General Furuhovde had been immediately informed of the incident. Meanwhile, the LTTE's Sea Tiger Commander, Soosai, was on the line to inform us that the three Sea Tiger cadres in the LTTE vessel were threatening to commit suicide if taken to the Naval camp. I urged Professor Peiris and Mr Morogoda to contact the naval authorities to resolve the problem amicably to avoid a major tragedy. Soosai contacted me again to say that he had lost communication with the cadres in the boat. Mr Morogoda was trying to contact the Defence Minister and the Naval Commander. As everybody was desperately trying to save the situation, General Furuhovde informed us that the Tiger vessel had exploded and the three LTTE cadres had committed suicide.

The fifth session of talks resumed with the discussion of this tragic event. I protested that the repetition of the events of this nature would have far reaching implications that would seriously damage the peace process. Insisting that the Sri Lankan Navy should not seek a confrontationist course, I urged that the government to allow freedom of mobility to LTTE vessels to engage in legitimate activities i.e. fishing, transporting cadres, etc. Both the parties finally decided to arrange a meeting between the

Government of Sri Lanka, the LTTE and the SLMM to work out effective safeguards and mechanisms to avoid incidents at sea.

Mr Bernard Goonetilleke presented a progress report on the latest meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIRHN). Mr Tamilselvan and Mr Jay Maheswaran emphasised the need to accelerate the humanitarian and rehabilitation activities in the northeast. Mr Goonetilleke informed the delegates that the agreement with regard to the World Bank custodianship of NERF would soon be finalised. Both parties agreed to urge the donor community to make funds rapidly available for immediate humanitarian needs in Tamil areas.

Thereafter, the issue of recruitment of children by the LTTE was taken up for discussion. Rejecting the accusation that the LTTE had been recruiting 'child soldiers', Tamilselvan pointed out that the LTTE was maintaining thousands of war-affected children in a number of orphanages and child welfare centres. The conditions of war, economic deprivation and extreme poverty had driven the children into the fold of the LTTE, which was spending huge amounts of money for their welfare and rehabilitation. Tamilselvan pledged that the LTTE would not recruit children under the age of eighteen. He revealed that 350 children who had joined the LTTE had been reunited with their parents and guardians. Following the discussion the LTTE agreed to work with UNICEF to formulate and implement a plan of action for the rehabilitation of the children affected by the armed conflict.

A few weeks after the Berlin talks Mr Pirapaharan invited Adele and me to Vanni to review the peace process. We arrived in Killinochchi on 2 March. During our stay, on 5 March, General Furuhoide, the outgoing head of the SLMM and his successor, General Tryggve Tellefsen, paid a courtesy call on the LTTE leader. Tamilselvan, Adele and I joined Mr Pirapaharan for the meeting.

Opening the dialogue, the LTTE leader complained of the lack of effective safeguards to prevent the hostile acts of the Sri Lankan Navy against the Sea Tigers and Tamil fishermen. The ceasefire agreement had severely restrained the freedom of mobility of the LTTE's naval unit, Pirapaharan said. Furthermore, while the Sri Lankan government continued to spend millions of dollars to modernise its armed forces and weapons systems, the LTTE was not allowed to strengthen its military structure, he said. Pointing out

General Furuhovde's theory of 'balance of forces' as a cardinal factor for the maintenance of ceasefire, the LTTE leader argued that Sri Lanka's build up of military assets, while suffocating the LTTE's naval force, would shift the balance of forces in Sri Lanka's favour, and the ceasefire agreement would be undermined as a consequence. He also said that there were serious flaws in the truce agreement with regard to the mobility of the Sea Tigers, which might lead to serious incidents. The incumbent General assured Mr Pirapaharan that he would consult the naval authorities to work out safeguards to prevent clashes at sea.

General Furuhovde raised the issue of arrest and imprisonment of military personnel by both sides. According to the ceasefire agreement, the role of the SLMM was to handle disputes between the parties, he said. As a gesture to the outgoing General, Pirapaharan agreed to release two prisoners, a Sri Lankan soldier and a policeman, and urged the SLMM to secure the release of six LTTE cadres in Sri Lankan custody. He was also prepared to accept the arbitration of the SLMM in resolving disputes if the government also agreed.

Pirapaharan, while welcoming the new head of the SLMM, paid tribute to General Furuhovde for his dedicated service and professionalism in monitoring of the ceasefire agreement.

While we were engaged with the Generals of the SLMM, the first meeting of the Sub-Committee on Gender Issues (SGI) was proceeding at the LTTE's Peace Secretariat in Killinochchi. The meeting took place on the 5-6 March. Extracts from the press release issued after the meeting stated:

'The deliberations between the delegates were positive and constructive and included a wide range of issues of concern to women in this stage of the peace process. The Committee members acknowledged the widespread and profound suffering of women as a consequence of war, especially in the most affected areas. In their determination to include the gender perspective in the peace process they decided to focus their efforts on the following issues in the immediate and long term:

Sustaining the peace process
Resettlement

Personal security and safety
 Infrastructure and services
 Livelihood and employment
 Political representation and decision-making
 Reconciliation

‘The SGI will report directly to the plenary session of the peace talks and work closely with the other Sub-Committees and other mechanisms associated with the peace process. It will identify issues of concern to women that need to be addressed and bring those concerns into the agenda of the peace process...

‘The SGI supports SIHRN’s project for traumatized women in Kilinochchi and strongly encourages SIHRN to set up similar centres in the east and in other districts affected by the conflict.

‘The SGI will formulate Gender Guidelines for the Sub-Committees and other mechanisms associated with the peace process. The SGI decided to establish a Secretariat in Kilinochchi. An office of the SGI shall be established in Colombo. The two entities will co-operate closely in serving all members of the SGI in their work.

‘The SGI discussed fundamental elements of the Terms of Reference that will be presented to the plenary session of the peace talks in April 2003.

‘The Committee members visited several projects concerning the welfare of women in the Kilinochchi area.

‘The next meeting of the SGI will take place in Kilinochchi 4-5 April 2003. Future meetings of the SGI will be organised in different areas.

‘The Sub-Committee on Gender Issues consists of the following five members from each of the parties.

GOSL:

Dr. Kumari Jayawardena
 Dr. Deepika Udagama
 Dr. Fazeela M. Riyaz
 Ms. Kumuduni Samuel

Ms. Faizun Zackariya

LTTE:

Ms. Thamilini Subramaniam

Ms. Kaaya Somasundram

Ms. Premila Somasundram

Ms. Suthamathy Sanmugarajah

Ms. Yalisai Balasingham

‘The parties have requested Norway to appoint a resource person as a facilitator to the SGI. The Norwegian government assigned Dr. Astrid N. Heiberg, a professor of psychiatry to the University of Oslo, and past president of the International Red Cross Federation.’

A Major Incident at Sea

On 10 March, while we were lunching with Pirapaharan, Sea Tiger Commander, Soosai, rushed in with the news that Sri Lankan Navy was following an LTTE merchant vessel in international waters, 220 nautical miles off Trincomalee. Pirapaharan asked me to inform General Tellefsen immediately. I contacted the General and briefed him on the incident. He assured me that nothing serious would happen since the ship was plying in international waters. An hour later, Soosai informed us that the naval gunboats had attacked the ship. Eleven Sea Tigers, including the captain of the ship, were killed as the vessel caught fire and sank. Pirapaharan was furious. He stormed out of my residence with Soosai to his base. I thought that it would be the end of the peace process. Later I learned that Pirapaharan had given orders to all political cadres working in the government controlled areas to withdraw to bases in Vanni. In the evening Soosai came to my house and informed me that the Sea Tiger units were placed on high alert and ordered to retaliate if intercepted by the Sri Lankan Navy. I knew a dangerous situation was brewing that might lead to the resumption of war.

In the evening Pirapaharan came to visit me. He was calm and composed. During our private discussion I told him that the LTTE should not go to war over the tragic incident at sea. The navy was deliberately provoking us for an armed confrontation and we

should not fall into the trap, I advised the LTTE leader. He accused the Sri Lankan government of political duplicity, of hypocrisy, of talking peace on one side and creating conditions for war on the other. I told him that, in my view, Wickremesinghe's administration had no hand in the incident at sea. The naval high command, in my assessment, was acting on its own and functioning under the authority of the President. The navy was belligerent, hostile and seeking every opportunity to provoke us into an armed confrontation with the aim of disrupting the peace process, I explained. The real power was vested with the executive President, and Wickremesinghe and his ministers had little authority over the armed forces, I told him. In these circumstances, I said, we had to be cautious since the international community was watching the behaviour of both parties. Pirapaharan reflected deeply; he understood my message.

We registered a strong protest with the government over the incident at sea, characterising the event as a grave violation of the ceasefire agreement. In a letter addressed to Tilak Marapane, the Sri Lankan Defence Minister, Tamilselvan stated:

'We consider the incident a grave violation of the ceasefire agreement as our vessel was not involved in any illegal action. Furthermore, the incident occurred in international waters beyond the jurisdiction of the Sri Lankan Navy. Our merchant vessel was intercepted and attacked without provocation. We contacted the Sri Lankan Monitoring Mission (SLMM) when the incident began and registered a complaint. The head of the SLMM, Maj.Gen.Tryggve Tellefsen, observed that the authority of the Sri Lankan Navy does not extend into the international waters where the incident was taking place and assured us that he would use his good offices to prevent any confrontation.

Eleven of our cadres, including the ship's captain, were killed when the vessel caught fire and sank after being attacked by the Sri Lanka Navy. We wish to emphasise that this grave incident will have far reaching implications for the peace process. We also wish to point out that, despite the ceasefire agreement, the

Sri Lanka Navy has been involved in several deliberate and provocative acts against the LTTE for some time. Please convey our deep displeasure over these matters to your government.'

12 March was a busy day. The first of the many visitors expected in Killinochchi were from the Forum of Federations, Mr Bob Rae, Professor David Cameron and Ms Priya Sood. I introduced them to the LTTE's Political Affairs Committee at the Peace Secretariat. While they got on with the day's seminar on systems of government, I went and met Mr Ian Martin, the international expert on human rights and the resource person at the peace talks. After introducing him to Mr Nadesan, the head of the Tamil Eelam Police Force and Mr Pararajasingham, the head of the Justice Department, he was taken to the headquarters of the respective departments for further discussions.

In the afternoon, General Tellefsen met me to discuss the incident at sea. Tamilselvan and Adele were with me. The General came to hear our version of the incident. I re-iterated that the incident had taken place in international waters, where Sri Lanka had no sovereign rights, and that it was an LTTE commercial vessel. I denied the accusation that the LTTE vessel was carrying weapons and had fired at the Navy. Furthermore, it was me who had informed the SLMM of the event and not the navy personnel, I told him. Finally, and most importantly, I impressed upon him that the navy should abide by the obligations of the ceasefire agreement, which strictly forbids hostile armed actions.

The General explained that the navy draws on international maritime laws to defend its position. He said it would be difficult for the SLMM to make a determination on the issue since it was not directly involved in the incident. Nevertheless, he assured us that he would work out modalities and safeguards to prevent similar situations from happening in the future.

A Norwegian peace delegation comprising Mr Vedar Helgesen, Mr Jon Westborg Mr Hans Brattsker (the incoming Ambassador), Ms Lisa Golden and Mr Thomas Strangeland arrived in Killinochchi on the morning of 13 March. Mr Tamilselvan, Adele and I met them at the Peace Secretariat. The discussions centred mainly around the incident at sea, and I presented the LTTE's version and pointed out the flaws in the navy's position. Mr Helgesen

said that the SLMM was investigating the issue and would also work out a formula to avoid any further problems at sea. Among other issues discussed, relating to the forthcoming sixth session of talks in Japan, he suggested that there should be a thorough review of the peace process. In his assessment as chief facilitator, he said that the political, humanitarian and security aspects of the peace process needed to be taken forward simultaneously.

Sixth Session of Talks

The Prince Hotel in Hakone, Japan, provided the setting for the two unchanged negotiating teams and the Norwegian facilitators to conduct the sixth session of talks on 18-21 March.

The first day of dialogue was dominated by the previous week's incident at sea. I opened up the exchange by registering a strong, official protest with the Sri Lankan government. Describing the incident as a grave violation of the truce agreement, I said that it could have precipitated a war had the LTTE leadership responded with a retaliatory assault on the navy. I urged the government delegates to ensure that their security forces gave primacy to compliance with the ceasefire agreement rather than seeking shelter behind international maritime laws. The navy, I said, had made a grave blunder by not informing the SLMM of the movement of the ship. The accusation that the vessel was carrying 'war like material' was purely conjecture, I asserted.

In reference to the balance of forces, I once again pointed out that the Sri Lankan Defence establishment was spending millions of dollars to refurbish their weapon systems and modernise their armed forces, thereby shifting the balance in favour of the state's military machine. In Mr Pirapaharan's perception, the government had failed to take any serious action to de-escalate the conflict and to restore normal civilian life. The ground situation, according to the LTTE leader, was becoming more tense and unstable, I said. Concluding, I suggested a top level meeting of four parties, the government, the LTTE, the naval authorities and the SLMM to work-out safety mechanisms to improve the security situation and to prevent hostile incidents at sea.

Professor Peiris, while expressing regret over the loss of life of

the LTTE cadres at sea, defended the action of the navy as being in compliance with international laws of the sea. The ship, he argued, had neither a flag nor a call sign, and, according to maritime law, came under the ambit of piracy and could be intercepted. He argued that the action of the navy could not be construed as a violation of the ceasefire agreement. Nevertheless, little purpose could be served in dwelling on the past, but rather to contemplate concrete action to prevent unfortunate incidents in the future, he argued. Further, we endorsed my suggestion to call a meeting of the parties concerned to work out effective modalities to improve the security situation at sea.

After a lengthy debate between the parties on the fragile security situation on the sea and the land, it was decided to consolidate the ceasefire agreement and empower the SLMM to arbitrate on disputes. The parties agreed to convene a top-level meeting of senior naval and political representatives from both sides, within three weeks, to work out safeguard mechanisms to prevent future incidents at sea. The head of the SLMM and the Norwegian government representatives would convene the meeting. At the discussions the delegates would explore and formulate effective arrangements for the operation of both naval forces, in keeping with existing treaty obligations. The parties agreed to instruct their respective navy personnel to exercise restraint and avoid provocative action.

Mr Yasushi Akashi, the Japanese Special Envoy to Sri Lanka and the Economic Advisor to SIRHN, chaired the second day of the sixth session of talks. Mr Tamilselvan opened the discussions with a report centred on the working of SIRHN. He presented a gloomy picture, arguing that SIRHN was not functioning effectively and the urgent humanitarian needs of the Tamil people were still not addressed. Bureaucratic delays coupled with government lethargy in appointing persons to the District Needs Assessment Panels, were causing impediments to the effective functioning of SIRHN, he said. Furthermore, SIRHN had identified projects based on the immediate needs of the people, but funds were not available to implement projects. Crucially, he said, resettlement had become an impossible task, since the army refused to allow civilian settlements in the military occupation zones.

Responding to Tamilselvan's critique that the army's HSZs were the stumbling block for resettlement of the displaced, Austin

Fernando said that the Sri Lankan Army Commander, General Balagalle, had worked out a programme for the troops to vacate certain public buildings and houses to new camps in Jaffna. I intervened to say that the LTTE leadership had rejected Balagalle's plan since it sought to re-occupy strategic locations in the Jaffna city under the guise of re-location.

Mr Bernard Goonetilleke presented a 'progress' report of the functioning of SIRHN and details of decisions taken at its last meeting on 27-28 February. From the meticulous details submitted by Goonetilleke I could gather that SIRHN was not progressing forward but rather regressed towards immobility.

The afternoon discussion centred on Mr Ian Martin's document on human rights issues. Both the parties requested Martin to develop the following three aspects in his proposed roadmap for human rights, to be adopted at the seventh session of talks.

1. The drafting of a Declaration of Human Rights and Humanitarian Principles. This would reflect aspects of fundamental international human rights and humanitarian standards.
2. The planning of a programme of human rights training for LTTE cadres and government officials, police and prison officials, which would contribute to the respect of these principles in practice, and of human rights education and awareness for other sections of the population.
3. Proposals for the strengthening of the Human Rights Commission of Sri Lanka to enable it to develop the capacity for increasingly effective monitoring throughout the country.

During discussions on political affairs, I revealed that the LTTE had expanded the Political Affairs Committee to twenty-one leading members of the organisation. The committee would undertake an in-depth study of the systems of government, particularly federal models. Political committee members would make a study tour of foreign countries, organise seminars for LTTE cadres, consult intellectuals, parliamentarians and constitutional experts to evolve a political solution within the parameters of the right to self-determination, I explained. At the end of the discussion both the parties

agreed to invite experts from the Forum of Federations to participate as consultants at the seventh session of talks.

Discussing measures to promote reconciliation between the Tamil and Muslim communities, it was arranged that the LTTE and Muslim representatives in Batticaloa would meet soon. We agreed to a request from Mr Rauf Hakeem for a separate dialogue with the LTTE leadership in Killinochchi, to discuss political matters and the participation of a Muslim delegation in negotiations at the plenary sessions.

During the afternoon sitting of the third day of talks, Mr Vidar Helgesen presented an overall review of the six sessions of peace talks over the past six months. Analysing the peace process in a three dimensional approach, security, humanitarian and political, Helgesen argued that while substantial progress had been made on the political level, there was slow progress on humanitarian issues and the security situation. He acknowledged that the HSZs had become serious problem, which needed to be resolved for the resettlement of the displaced people. SIRHN was moving slowly, while the Northeast Development Fund (NERF) was still to be activated. He also lamented that the problems of the Muslim people, particularly their land disputes, were still to be resolved.

The parties agreed to hold the seventh session of talks from 29 April till 2 May, in Thailand.

LTTE Decides to Boycott Talks

While Mr Helgesen thought the sixth session of talks was the appropriate time to review the peace talks between the parties at the negotiating table, the LTTE leadership also undertook its own critical appraisal of the whole process. The positive achievements of the negotiations were that the adversaries were able to develop rapport and mutual trust and were able to engage in serious dialogue, identifying issues and resolving critical problems that potentially jeopardised the peace process. However, the discussions, resolutions and joint decisions, on several major matters, remained inscribed in documents, but were not realised in practice. The Sri Lankan government, as well as the facilitators, sought progress on the political level, over and above the most critical and pressing

humanitarian issues faced by the war affected Tamil community. After two decades of brutal war, the people of the northeast were still waiting, in anticipation, of substantial peace dividends. The Tamils became frustrated and disillusioned with the failure of the peace negotiations to deliver tangible results. In particular, the most affected was the huge population of displaced, who faced a dark future with no prospect of resettlement and rehabilitation, as the army refused to relax its grip on occupation. The project of de-escalation and normalisation had collapsed, closing the doors for rehabilitation and reconstruction. Devoid of power, funds and direction, SIRHN, the only joint institution that had been mooted to undertake urgent humanitarian programmes, became a non-functional entity. Furthermore, Wickremesinghe's administration engaged the international community for the mobilisation of resources, primarily aimed at 'regaining' and developing southern Sri Lanka, and building up an effective international safety-net to contain the LTTE. In these circumstances, the LTTE's strategy to advance the peace process in stages, giving primacy to urgent, existential problems and the restoration of conditions of normal civilian life, became problematic.

At this stage, when a sense of deep despair was descending on the LTTE over the failure of the peace talks to address the critical life problems of the people, the Tamil Tiger leadership was deeply annoyed when they learned that the organisation had been excluded from an international donor meeting, to be held in Washington on 14 and 15 April, hosted by the United States. I was not happy when Mr Moragoda told me about this meeting during the talks at Hakone, describing it as a preparatory seminar prior to the main Tokyo Donor Conference to be held in June. I reminded him that there was a commitment between the parties to seek international assistance as joint partners in peace, and the exclusion of the LTTE from any major international conclave designed to seek development aid, would have serious implications. Mr Pirapaharan and other senior leaders were upset when I conveyed to them that the proscription of the organisation in the United States prohibited them from attending the aid meeting in Washington. Marginalisation from the meeting, Mr Pirapaharan felt, was a humiliation, totally unacceptable to an organisation representing the Tamil people and seeking to enjoy equal status as a party in

negotiations.

On 4 April, the LTTE's political headquarters in Killinochchi released an official statement expressing deep disappointment over the exclusion of the organisation from the aid meeting, stating that it would 'undermine confidence in the ongoing peace process.'

The following are the extracts of the LTTE's statement:

'The Liberation Tigers of Tamil Eelam (LTTE) is disappointed by its exclusion from the international conference to support reconstruction and rehabilitation efforts in the north and east of Sri Lanka to be hosted by the United States in Washington on April 14.

'From the outset of the Norwegian-brokered negotiations, the two parties to the conflict, the LTTE and the Government of Sri Lanka (GoSL), agreed to equal and joint partnership in efforts to solicit international financial assistance for reconstruction and rehabilitation efforts in the north and east of Sri Lanka. We point out that Sub-Committee on Immediate Humanitarian and Rehabilitation Needs was formed in the context of this equal and joint partnership. It was also in this context that the first international donor conference held in Oslo on November 25, 2002 was successfully staged. Whilst funds were pledged for urgent needs at that meeting, a larger donor conference to be held in June this year in Japan was promoted as the main forum for securing international assistance for reconstruction efforts in the war-torn Tamil areas.

'Regrettably, the United States has undermined this joint effort by isolating the LTTE and solely promoting the GoSL at the preliminary meeting on April 14. The exclusion of the LTTE from reconstruction efforts in the Tamil areas of Sri Lanka is against the spirit of the peace process. It also undermines confidence in both the reconstruction initiative and the peace process. The LTTE is therefore dismayed and disappointed by the US action.'

As there was no response from the Sri Lankan to the LTTE's

protest over its exclusion from the Washington conference, the LTTE issued a statement on 12 April, suggesting it would review its decision to attend the Japan Donor Conference. The text of the statement is as follows:

‘The leadership of the Liberation Tigers of Tamil Eelam (LTTE) in an official statement issued from its headquarters in Killinochchi, northern Sri Lanka today, declared that the organisation would review its decision to participate at the Tokyo Donor’s Conference in June in protest against the exclusion of their accredited representatives from the crucial international aid conference in Washington to be held on Monday (14 April) in preparation for the main donor conference in Japan.

‘In gross violation of the pledges taken at the peace negotiations that the Government of Sri Lanka and the LTTE should work together and approach the international community in partnership, Sri Lanka has opted to marginalise our organisation at the Washington Conference. This deliberate exclusion of the LTTE from discussions on critical matters affecting the economic and social welfare of the Tamil nation is a grave breach of good faith. We are deeply disappointed that the Sri Lanka Government and Norway, as our facilitator, have failed to ensure the LTTE’s participation in this crucial preparatory aid conference by not selecting an appropriate venue.’

‘Pointing out that the proposed joint efforts by the LTTE and the Sri Lanka government with regards to the resettlement and rehabilitation of Tamil refugees and IDP’s had been hailed at the first round of negotiations as ‘a sign of the increasing level of trust between parties and their willingness to work together...’ the LTTE statement said ‘its exclusion has severely undermined our trust and confidence in Sri Lanka government’s intentions.

‘The LTTE’s statement also severely criticised the Sri Lankan military for its continued occupation of Tamil homes, schools, places of worship and other

public buildings in violation of both the ceasefire agreement of February 2002 and subsequent agreements reached at the negotiating table. "The irreconcilable attitude of the Sri Lanka military hierarchy and the impotence of Ranil Wickremesinghe's administration have made all programmes of resettling and rehabilitating hundreds of thousands of Tamil refugees and IDPs unrealisable. The very efficacy of the negotiating process has become questionable since decisions and agreements reached at the peace talks are not being implemented eroding the confidence of the Tamil people.

'Whilst all of Sri Lanka has suffered from this protracted and bloody conflict, we point out that the north and east are the regions worst affected by the war and decades of underdevelopment, and hence the most urgently in need of international assistance. Apart from the continuing military occupation of Tamil property and buildings there is an unacceptable delay in starting resettlement and reconstruction works in the north and east. In these circumstances, it is only fair and just that the authentic representatives of the Tamil people should have been invited to this major international conference to articulate the interests and aspirations of our people.

'With a view to restoring confidence and re-establishing goodwill, the LTTE is therefore calling for the full implementation of the normalisation aspects of the February 2002 ceasefire agreement as well as the implementation of agreements pertaining to resettlement of refugees and IDPs reached in the six rounds of talks held by both parties,' the LTTE's statement concluded.

In spite of the LTTE protest, the preparatory donor conference, chaired by Secretary of State, Mr Richard Armitage, went ahead. The Washington conference signified the growing involvement of the US in Sri Lankan affairs. Senior diplomats from 21 countries, and officials from 16 international organisations attended the conclave. Its Ambassador to the United States represented India. It

should be noted that whereas the Government of India played a low profile by sending a junior official, (a Third Secretary from its Oslo Embassy) to the Oslo Donor Conference, it took an active role, allowing a senior diplomat to participate and address the Washington conference.

Mr Moragoda, Sri Lanka's dynamic Economic Affairs Minister, led the country's delegation. Though Sri Lanka said that it was not a pledging conference, media reports claimed that 3.5 billion dollars were allocated as reconstruction and development aid. Clarifying the US decision to exclude the LTTE from the aid conference, Richard Armitage, addressing the meeting, said, 'Our position is crystal clear. The Liberation Tigers of Tamil Eelam must unequivocally renounce terrorism, in word and deed.'

Dismayed over the lack of progress in the negotiations, frustrated with the inability to address the mounting socio-economic problems of the Tamil people, the LTTE leadership found it faced a new phenomenon, the intervention, or rather, excessive involvement of the 'international custodians of peace' in the negotiating process. Inter-linking political pressure with economic assistance, the international actors intervened to promote the interests of the Sri Lankan state, which severely undermined the status and power relations between the protagonists. As a non-state actor caught up in the intrigue ridden network of the international state system, the LTTE was compelled to act to free itself from the over-powering forces of containment. After a careful study of the developing situation, the LTTE high command decided to suspend its participation in the peace talks and to boycott the Tokyo Donor Conference. Mr Pirapaharan requested me to convey the decision of the leadership to Mr Rail Wickremesinghe, explaining the reasons behind our action. In my capacity as chief negotiator, I wrote a comprehensive letter to the Sri Lankan Prime Minister, on 21 April.

Dear Prime Minister,

'In accordance with the decision of our leadership I am advised to bring to your urgent attention the deep displeasure and dismay felt by our organisation on some critical issues relating to the on-going peace process.

'You are well aware that the Ceasefire Agreement that has been in force for more than one year and the

six rounds of peace negotiations between the principal parties has been successful, irrespective of the occurrence of some violent incidents that endangered the peace process. The stability of the ceasefire and the progress of the peace talks, you will certainly appreciate, are the positive outcome of the sincere and firm determination of the parties to seek a permanent resolution to the ethnic conflict through peaceful means. The cordial inter-relationship, frank and open discussions and the able and wise guidance of the facilitators fostered trust and confidence between the negotiators and helped to advance the talks on substantial levels. The negotiating teams were able to form important sub-committees on the basis of equal and joint partnership. During the early negotiating sessions it was agreed that the Government of Sri Lanka and the LTTE should work together and approach the international community in partnership. The Oslo Donor Conference held on 25 November 2002 turned out to be an ideal forum for such joint endeavour.

‘The LTTE has acted sincerely and in good faith extending its full co-operation to the government of Sri Lanka to seek international assistance to restore normalcy and to rehabilitate the war affected people of the northeast. The LTTE to date has joined hands with the government and participated in the preparation of joint appeals and programmes. In spite of our goodwill and trust, your government has opted to marginalize our organisation in approaching the international community for economic assistance. We refer to the exclusion of the LTTE from the crucial international donor conference held in Washington on 14 April 2004 in preparation for the major donor conference to be held in Japan in June. We view the exclusion of the LTTE, the principle partner to peace and the authentic representatives of the Tamil people from discussions on critical matters affecting the economic and social welfare of the Tamil nation, as a

grave breach of good faith. Your government, as well as our facilitator Norway, are fully aware of the fact that the United States has legal constraints to invite representatives of a proscribed organisation to their country. In these circumstances an appropriate venue could have been selected to facilitate the LTTE to participate in this important preparatory aid conference. But the failure on the part of your government to do so gives cause for suspicion that this omission was deliberate. The exclusion of the LTTE from this conference has severely eroded the confidence of our people in the peace process.

‘As you are aware, considerable optimism and hopes were raised among the people when your government, shortly after assuming power, entered into a ceasefire agreement with our organisation, bringing to an end twenty years of savage and bloody conflict. Expectations were further raised when both sides began direct negotiations with Norwegian facilitation. In particular, there was a justifiable expectation that the peace process would address the urgent and immediate existential problems facing the people of the north and east, particularly the million people who are internally displaced by the conflict and are languishing in welfare centres and refugee camps.

‘As such, the Ceasefire Agreement included crucial conditions of restoring normalcy which required the vacation, by occupying Sri Lankan troops, of Tamil homes, schools, places of worship and public buildings. Despite the agreed timeframe for this evacuation of troops, which has since passed, there has been no change in the ground situation. We have repeatedly raised the issue of continuing suffering of our people at every round of talks with your government. Your negotiators’ repeated assurances that the resettlement of the displaced people would be expedited have proven futile. The negotiations have been successful in so far as significant progress has been made in key areas, such as the agreement to explore

federalism on the basis of the right to self-determination of our people. But this progress has not been matched by any improvement in the continuing hardships being faced by our people as a result of your government's refusal to implement the normalisation aspects of the Ceasefire Agreement and subsequent agreements reached at the talks. As a result, considerable disillusionment has set in amongst the Tamil people, and in particular the displaced, who have lost all hope the peace process will alleviate their immense suffering.

'Though there is peace due to the silencing of the guns, normalcy has not returned to Tamil areas. Tens of thousands of government troops continue to occupy our towns, cities and residential areas suffocating the freedom of mobility of our people. Such a massive military occupation of Tamil lands, particularly in Jaffna - a densely populated district - during peace times denying the right of our displaced people to return to their homes, is unfair and unjust.

'Your government, in international forums, continues to place poverty as the common phenomenon affecting the entire country. The Poverty Reduction Strategy forms the essence of the document 'Regaining Sri Lanka' which defines the macro-economic policy of your government. Though poverty and poverty alleviation constitute the centrality of the new economic vision of your government as exemplified in 'Regaining Sri Lanka' the document fails to examine the causality of the phenomenon of poverty, the effects of ethnic war and the unique conditions of devastation prevailing in the northeast.

'In our view, the conditions of reality prevailing in Tamil areas are qualitatively different from southern Sri Lanka. The Tamils faced the brunt of the brutal war. Twenty years of intense and incessant war has caused irreparable destruction to the infrastructure in the northeast. This colossal destruction augmented by continued displacement of the people and their

inability to pursue their livelihoods due to military restrictions and activities have caused untold misery and extreme poverty among the people of the north-east. Continued displacement has also depleted all forms of savings of these people disabling them from regaining their lives on their own. The war-affected people need immediate help to regain their dignity. They need restoration of essential services to re-establish their lives. Reconstruction of infrastructures such as roads, hospitals, schools and houses are essential for them to return to normal life.

'The poverty that is prevailing in southern Sri Lanka is a self-inflicted phenomenon, caused by the disastrous policies of the past governments (both the UNP and the SLFP) in dealing with the Tamil national conflict. In its fanatical drive to prosecute an unjust war against the Tamil people, the Sinhala state wasted all national wealth to a futile cause. The massive borrowings to sustain an absurd policy of 'war for peace' by the former government caused huge international indebtedness. The economic situation of the south has been further worsened by the mismanagement of state funds, bad governance and institutional corruption. Therefore, the conditions prevailing in the south are distinctly different from the northeast where the scale and magnitude of the infra-structural destruction is monumental and the poverty is acute. Ignoring this distinctive reality, your government posits poverty as a common phenomenon across the country and attempts to seek a solution with a common approach. This approach grossly under states the severity of the problems faced by the people in the northeast.

'The government's 'Regaining Sri Lanka' document completely lacks any form of identified goals for the northeast. Statistics presented for substantiating the policy totally ignore the northeast and solely concentrate on southern Sri Lanka. However, this has been promoted as the national strategy to the

international community to seek aid. It is evident from this that the government lacks any comprehensive strategy for serious development of the northeast. The Poverty Reduction Strategy fails to address the poverty of the northeast as distinct from the rest. In seeking international assistance your government disingenuously speaks of reconstruction being needed in all areas, thereby masking the total destruction of the infrastructure of the northeast which has resulted from the militarist policies of the past three decades.

‘As we pointed out above, the exclusion of the LTTE from critical aid conference in Washington, the non-implementation of the terms and conditions enunciated in the truce document, the continuous suffering and hardship experienced by hundreds of thousands of internally displaced Tamils, the aggressive Sinhala military occupation of Tamil cities and civilian settlements, the distortion and marginalisation of the extreme conditions of poverty and deprivation of the Tamils of the northeast in the macro-economic policies and strategies of the government have seriously undermined the confidence of the Tamil people and the LTTE leadership in the negotiating process. Under these circumstances the LTTE leadership has decided to suspend its participation in the negotiations for the time being. We will not be attending the donor conference in Japan in June. While we regret that we were compelled to make this painful decision, we wish to reiterate our commitment to seek a negotiated political solution to the ethnic question. We also urge the Government of Sri Lanka to restore confidence in the peace process amongst the Tamil people by fully implementing, without further delay, the normalisation aspects of the Ceasefire Agreement and permit the immediate resettlement of the internally displaced people of the northeast. We also request the government to re-evaluate its economic development strategy to reconstruct the Tamil nation destroyed by war.’

The following day Mr Wickremesinghe responded to my letter, stating that he had noted our concerns and would be responding to them in full. In the meantime, the LTTE also decided to postpone the meeting of SIRHN, scheduled for the last week of April. In a letter addressed to Mr Bernard Goonetilleke on 23 April, Tamilselvan informed him of the LTTE's decision of postponement and called for 'tangible action on the ground' before the sub-committee meeting resumed. The text of Tamilselvan's letter is as follows:

'In accordance with the decision of our organisation's leadership to suspend our participation in the negotiations, we regretfully wish to postpone the next meeting of the Sub Committee on Immediate Humanitarian Rehabilitation Needs (SIHRN). It is our leadership's wish to await action and implementation on urgent matters raised by Mr. A. Balasingham in his letter to the Prime Minister, Hon. Mr. Ranil Wickremesinghe, prior to setting a date for the next meeting. As you are aware, urgent action is required on resettlement and rehabilitation of Internally Displaced People and of refugees.

'We also wish to implore the Government of Sri Lanka to take immediate steps to act on matters already agreed at previous meetings of the sub-committee and ensure humanitarian and rehabilitation projects in the Northeast are implemented enabling the return of normal life to the people living there. In the meantime, we are also hopeful that all efforts will be made by your government to urgently seek the funds from pledges made by several international donors at the Oslo conference on 25th November last year to be targeted for identified projects through the Northeast Reconstruction Fund (NERF). In the last few months, from announcements made at our meetings, expectations among the people of the Northeast have been raised to a high level. Therefore it would be meaningless for the sub-committee to continue to meet regularly without any tangible action on the ground.

‘While we regret that we are compelled to postpone the next meeting of the SIHRN, we wish to reiterate that mutual trust and cooperation can be restored through decisive and urgent action from the Government of Sri Lanka to alleviate the hardships of the people in the Northeast.’

While waiting for a detailed reply to my letter announcing the suspension of our participation in the peace talks, the US Ambassador to Sri Lanka, Mr Ashley Wills, intervened in the debate, presenting a critique of my letter to Wickremesinghe. In a comprehensive interview with Reuters, Mr Wills argued that the LTTE should have continued to engage the Sri Lankan government to address grievances, rather than ‘walking away from talks.’ He also reiterated the American position, that the LTTE should renounce ‘terrorism and violence’ to be accepted and respected by the international community. The US Ambassador further commented that the possession of weapons and the maintenance of armed formations by the LTTE were ‘not going to protect the Tamil rights’, but rather, would prolong the conflict. The provocative nature of the critical commentary compelled me to respond to Mr Wills. In an interview to TamilNet on 25 April, I clarified the LTTE’s position in the following terms:

‘Mr Wills’ central contention is that the LTTE should continue to engage the Government of Sri Lanka to address grievances rather than walking away from talks. There is an element of misunderstanding here with regard to our position. We have not terminated the negotiating process or walked away from talks. What we have decided is to temporarily suspend the talks to provide time and space for the government to implement crucial decisions, particularly the normalisation aspects of the Ceasefire Agreement. We have not scuttled the peace process or terminated negotiations. We intentionally created an interval, an interregnum for the government to take immediate and constructive measures to address urgent humanitarian issues faced by the Tamils. Our intention is to pressurise the government to realise the urgency of the existential issues confronting our

people and to impress upon them the importance of fulfilling obligations, pledges and decisions.

'Mr Wills as well as Mr Armitage have always advocated the renunciation of 'terrorism and violence' by the LTTE. The Americans are well aware that our organisation has already abdicated all acts of armed violence ever since we signed a Ceasefire Agreement. Yet we do have military formations to protect our lands and our people. The ethnic conflict is not yet resolved and the threat of Sinhala military aggression of Tamil lands is not yet over. Under these circumstances, decommissioning or abdication of arms is non-negotiable. The majority of the Tamil people will not agree with Mr Wills's perception that the maintenance of armed formations by the LTTE would not protect the Tamil rights but rather create conflicts. On this issue the Tamils seriously differ with Mr Wills. Our people have suffered bitter historical experience of state terror and oppression extending over decades. The Tamils resorted to armed resistance as the last resort to defend their right to existence. Having gone through turbulent periods of state repression and armed resistance, of failed negotiations and betrayals, the Tamil people have genuine fears and anxieties with regards to their safe and secure existence. The Tamils are seeking, not only substantial political autonomy but also a security system that would permanently ensure the protection of their right to live peacefully with dignity and freedom in their historically given homeland. I sincerely hope that the Americans will appreciate and understand the aspirations as well as apprehensions of a people who have faced genocidal oppression from State terrorism and violence.'

The Sri Lankan Prime Minister answered my letter on 29 April. It was a feeble attempt to defend the government policies against the pertinent criticisms advanced by the LTTE. Mr Wickremesinghe presented an upbeat picture of the peace process and the situation in the country. 'There has been substantial progress towards

peace and development throughout the country', in his assessment. Answering the main criticism of the Tigers for excluding the organisation from the Washington aid meeting, he argued the government's position thus:

'As you would know, the Japanese Government suggested preparatory seminars in Washington, Brussels and Oslo prior to the Tokyo Conference. The Government of Norway later felt that it would forego this opportunity since the Oslo meeting last November had virtually served this purpose. Subsequently for various logistical reasons mainly connected with the Iraq crisis, the decision to hold a meeting in Europe was changed and it was proposed to have a preparatory meeting in Colombo in May. These arrangements were discussed at the meeting at Hakone.

'There were two other significant reasons for going ahead with the Washington seminar in April. The first, was the fact that such a seminar would enable the gathering of major Donors who would be present in Washington as participants in the important Spring Meetings of the World Bank and IMF. The other reason was that it was important to obtain commitment of the Donors to this process before their attention was absorbed by the needs of Iraq as a consequence of the situation following that conflict.

'The Washington preparatory seminar was not a pledging conference. The multilateral organisations present at the seminar announced their indicative figures under their Country programme at the meeting.

'The LTTE's inability to attend the seminar was due to the fact that the organisation still remains a banned organisation under United States Law. I regret the LTTE could not participate and you will appreciate that the Government cannot be blamed for this situation.

'From the inception the Government was committed to working with the LTTE in rebuilding the North-East. In fact the Tokyo Conference offered by the

Japanese Government as a pledging conference for the Reconstruction and Development of Sri Lanka took this fact into consideration. The Conference is to be opened by the Prime Minister of Japan.'

On the criticism of non-implementation of the terms and conditions enunciated in the truce document, Mr Wickremesinghe said that, 'I agree with you that there is yet much to be done to implement fully, the provisions of the Ceasefire Agreement. Our view is that both parties should commit themselves to doing so.' It was an evasive answer to a critical problem of de-escalation, which was crucial to restore normal civilian life. On the problem of extreme hardship 'experienced by hundreds of thousands of internally displaced Tamils, the Premier said that the highest priority has been given by the government 'to alleviate the conditions of the internally displaced, as quickly as possible.' This was a lame excuse for the LTTE's demand for immediate and concrete action to a critical humanitarian issue. Mr Wickremesinghe's letter was placatory, but devoid of any substance. In essence, his written response failed to address, in concrete terms, several critical issues raised by the LTTE.

Demand for An Interim Administrative Set-up

The LTTE's decision to suspend participation in the peace talks and to boycott the Tokyo Donor Conference caused a flurry of diplomatic activity to persuade the LTTE to rethink their position, amid speculation that the conference would be postponed.

Adele and I decided to travel to Vanni to meet the LTTE leadership and to convey to Mr Pirapaharan the sentiments of the international community concerning the LTTE's decision. We arrived in Colombo on 5 May. In the meantime, the Japanese Envoy, Mr Yasushi Akashi, and the Norwegian Deputy Foreign Minister, Mr Vidar Helgesen arrived separately in the capital.

A helicopter flew Adele and I to Killinochchi on 6 May where we met Mr Pirapaharan and prepared for discussions with Mr Akashi the following day. The Japanese Envoy and his delegation arrived in Killinochchi for their first meeting with Mr Pirapaharan on 7 May. Mr Tamilselvan, Dr Jay Maheswaran,

Adele and I participated in the talks at the LTTE political headquarters. Mr Akashi expressed his wish that the LTTE participate in the Tokyo Donor Conference and take the opportunity to raise funds for the development of the northeast. Japan, he said, would make available funds for development projects both in the south and the northeast. Furthermore, he commented, the conference aimed at consolidating the peace process would not be the same if one party failed to participate.

Mr Pirapaharan reiterated that concrete steps by the government were necessary to implement decisions arrived at in the previous negotiations.

The journey to Sri Lanka coupled with the intensity of diplomatic work took its toll and I was feeling very unwell and tired. A concerned Mr Pirapaharan supported our decision to leave the Vanni, and on 11 May a helicopter flew us to Colombo. After a night's rest we boarded the plane to London for an immediate medical check-up and treatment.

Diplomatic pressure on the LTTE continued, culminating in a meeting between the Norwegian Foreign Minister, Mr Jan Petersen and Mr Pirapaharan on 15 May. Mr Tamilselvan, Dr Jay Maheswaran and Mr V Rudrakumaran were present in the meeting, while the Foreign Minister was assisted by his Deputy, Mr Vidar Helgesen, and the Norwegian Ambassador in Colombo. Lengthy discussions failed to resolve the political dispute over the LTTE's attendance at the Tokyo Conference. Mr Pirapaharan repeated his stand to the Minister. He further said that in his view it was in the interests of the Tamils to have an effective interim administrative set-up for the northeast. The government departments were corrupt, inefficient and bureaucratic and incapable of carrying out the mammoth task of reconstruction and development of the war ravaged Tamil homeland. He proposed that the government put forward a set of ideas for an interim administrative mechanism.

While I was in London recuperating from renal illness, Mr Helgesen visited Vanni on 17 May and submitted a set of proposals to Tamilselvan for the establishment of a new mechanism for development and reconstruction in the northeast. Pirapaharan requested me to respond. I presented a critique of the proposals in my letter to Helgesen on 21 May. The extracts of my letter are as follows:

Dear Mr Helgesen,

‘In accordance with the decision of the leadership I am advised to respond to a set of proposals submitted by you in connection with the request made by our leader Mr Pirapaharan to establish an interim administrative structure with adequate powers to undertake Northeastern reconstruction and development activities..

‘..Mr Pirapaharan, during his discussions with your Foreign Minister Mr Peterson, suggested a new innovative structure for the Northeast with adequate authority and legal status for the rapid implementation of humanitarian and development activities. This innovative new structure, in his view, should be efficient, transparent and accountable with definite functions and powers so that the peace dividends pledged to the people can be delivered to the people without delay, without corruption, without bureaucratic obstacles.

‘The LTTE leadership is of the view that a permanent political settlement to the Tamil national question can only be actualised in a supreme constitution instituting a radically new polity, an endeavour that cannot be realised under the current unstable political climate. Since a permanent political settlement is not feasible in the immediate future, the Tiger leadership proposes an interim administrative structure with greater participation of the LTTE in both decision making and delivery of the tasks of rebuilding the war damaged economy and restoring normalcy in the Tamil speaking homeland. In this context, we wish to point out that the Government of India proposed an interim administrative mechanism following the Indo-Sri Lanka Accord of 1987 providing LTTE with a dominate participatory role. Mr Pirapaharan envisages that the proposed interim administrative mechanism should supersede the multiplicity of existing structures, which work at cross-purposes and impede the efficient utilisation of development funds.

‘Finally, in view of the upcoming Donors Conference in Japan, the LTTE leadership is of the view that an efficient, radically new administrative mechanism should be instituted immediately, without delay, with wide powers to expedite the resettlement, rehabilitation and reconstruction works in the Northeast. We are of the view that SIRHN, with its limited functions and powers, cannot undertake such monumental tasks.

‘Now let us scrutinize critically the set of ideas and proposals outlined in your communications addressed to Vanni leadership and to me in London. The two-paged Draft Agreement, worked out by you with the consultation of the Government of Sri Lanka, was submitted to Mr Tamilselvan on Saturday 17 May 2003. Constructed as a joint agreement between the GOSL and the LTTE, your draft briefly mentions the proposed North East Development and Reconstruction Council (DRC) as an expanded version of SIRHN. The functions, powers and mechanism of the proposed structure, according to your draft, have to be established through negotiations between the parties ‘following consultations with the donor community at the Tokyo donor conference.’ The DRC is not presented as a concrete proposal but as a notion or rather as a concept that has been worked out into a framework subjected to the ‘guidance’ and endorsement of the international community. This draft on the DRC falls short of Mr Pirapaharan’s expectations of a concrete framework for an interim administrative set-up. Instead the draft paper attempts to situate the DRC within an overall package of binding commitments to various issues including an abstractly formulated ‘road map’ of an envisaged federal solution.

‘The other brief draft paper entitled ‘Elements of a Strengthened and Expanded Mechanism for Reconstruction and Development of the North and East’ is an interesting document with some detailed

input into the structure of the 'Development and Reconstruction Council' (DRC). This draft offers an expanded mechanism of SIHRN transforming it into three-layered structure consisting of a policy board, project committee and an administrative body, deriving its sole authority from the Prime Minister's office. The draft suggests that the LTTE can enjoy equal representation at the decision-making bodies (in the policy board and project committee) but 'the administration should primarily employ Tamils living in the North and East.' This means the LTTE's political representatives cannot play any role in the administrative structure. Essentially the document is brief and fails to provide clear definitions of the powers and functions of the decision making bodies and the question of the legal status of the DRC is not properly defined, but eventually subjected to legislation by Parliament. Finally, and most importantly the donor community is given the final determination over the establishment of the DRC. We do not know whether this draft is your own formulation or a set of proposals worked out by the government. The Colombo media has already given wide publicity to the proposal claiming that the government has decided to set-up a 'central co-ordinating mechanism' with wide powers to implement reconstruction and rehabilitation works. Though the proposals have new elements they have limitations in addressing the central proposal made by the LTTE leader calling for the establishment of an effective interim administration structure for the Northeast with significant participation of the LTTE...

'While expressing our gratitude for your indefatigable endeavour in seeking solutions to break through the current impasse in the peace process we kindly request you to urge the Prime Minister Mr Ranil Wickremesinghe to officially respond to our leader Mr Pirapaharan's proposals for an interim administrative set-up. A positive and constructive response from

the Prime Minister setting out his ideas and proposals in clear and concrete terms will certainly help our leadership to take a crucial decision on the resumption of peace talks and participation at the Donor Conference in Japan.'

On 28 May, the LTTE leadership received a new set of proposals from Prime Minister Wickremesinghe through the Norwegian facilitators, offering to institute a development structure for the rehabilitation and development of the northeast. On the request of the LTTE leadership, I responded to the Prime Minister on the 30 May outlining the flaws and limitations of the framework. The following are extracts of my letter:

Dear Prime Minister,

'Having carefully and critically examined the set of proposals submitted by your government through the Norwegian facilitators, the leadership of the Liberation Tigers of Tamil Eelam (LTTE) has requested me to respond to you clarifying the position of our liberation organisation.

'Before we set-out our critical elucidation of the contents of your government's proposals, I wish to draw your attention to my letter addressed through Mr Helgesen in which we have elaborated the reasons or rather the 'frustrating circumstances' that led the LTTE leader Mr Vellupillai Pirapaharan to propose an interim administration for the northeast. In his deliberations with the Norwegian Foreign Minister Mr Jan Petersen, Mr. Pirapaharan suggested an innovative interim administrative structure vested with adequate authority and legal status 'with greater participation of the LTTE in both decision making and delivery of the tasks of rebuilding the war damaged economy and restoring normalcy in the Tamil speaking homeland.' You would have observed that we did not elaborate on the powers, functions and mechanisms of the proposed administrative structure. We entrusted the task of formulating the framework to your government with the hope that you will act with courage and creativity to accommodate the aspirations of our people

since your government has an overwhelming mandate from the Sinhala masses to establish an interim administrative structure for the northeast...

‘..You will certainly appreciate that we are sincerely and seriously committed to the peace process and are doing our utmost to seek a settlement through negotiations. On our own initiative we declared a unilateral ceasefire during a strategically advantageous conjuncture when the Sri Lanka forces were severely drained of combat capability and the Sri Lanka state was deprived of funds to prosecute the war. During the negotiations we have been very flexible, accommodative and conciliatory and offered major political concessions from our entrenched positions and maintained peace under extreme provocations. We have done our best to advance the negotiating process even at the risk of losing grass-root support. But our sense of equal partnership in peace building and reconciliation suffered a severe blow when the main international and regional players continued to treat the LTTE shabbily as a proscribed entity with a ‘terrorist’ label to be excluded from international forums. We are also concerned over the growing involvement in the peace process of formidable international forces from whom you have been soliciting not only aid but the setting-up of a grand international ‘safety net’ to bring undue pressure on the freedom of our people to determine their political status and destiny. Though your government has de-proscribed our organisation and substantial progress has been made in the peace process and that we have renounced violent struggle and war, the continuous hard-line attitude adopted by powerful international governments against the LTTE under their proscription laws casts a negative impact in promoting peace and ethnic reconciliation in Sri Lanka.

‘Having studied the contents of your proposals we are surprised, and at the same time, dismayed that your government did not address the critical issue of

setting up an interim administrative structure for the northeast as suggested by the LTTE leadership. Instead, you have proposed a development orientated structure with extremely limited administrative powers in which the participatory role of the LTTE is not clearly defined, or rather, left deliberately ambiguous. Essentially, what is sought and what is delivered are two different sets of structures. In offering a development structure you have effectively rejected our proposal for an administrative structure maintaining a studied silence without specifying any reasons for your stand. We can only assume that your administration has found refuge under the existing constitution to deny even an interim measure to the Tamils. You have commented that the government has to operate within the laws of the land. We can certainly understand the fragile position of your government caught up with an enraged President seeking revenge and an entrenched constitution that allows no space for manoeuvre. You will certainly agree that if the political system is unstable and your administration is powerless, it will be impossible to resolve the ethnic conflict either by interim means or by permanent settlement. How long can our people wait and tolerate their hardships if your government seeks refuge under legal and constitutional obstacles? Have they not been waiting for more than half a century for redemption while the Sinhala political classes fought ferociously among themselves to deny the inalienable political rights of our people? ..

‘We do not wish to provide a detailed critical elucidation of all the elements of your proposal. We will confine our criticism only to some crucial aspects of the new development structure.

‘The proposal contains a three layered structure consisting of a ‘representative Apex Body’ (or Council) at the uppermost level which will function as a ‘policy advisory and review board’ having decision making authority in regard to reconstruction and

development work. The middle structure consists of a Management Board with power to co-ordinate state agencies to ensure speedy implementation of the decisions of the Apex Body. The Board will be chaired by a Special Commissioner and will have a Secretariat under him. Bodies implementing the projects at the third level consist of existing government ministries and bureaucracies and non-government organisations. The main objective of this structure is 'to expedite efficient implementation of programmes and projects relating to relief, rehabilitation and development in the North' as outlined in the title of the proposal. This is the essence of the new structure. Let us now look into the powers, functions and composition of this development body and the participatory role assigned to the LTTE.

'The Apex Body has no administrative powers but is only an advisory council whose functions include the formulation and approval of plans, schemes and projects for reconstruction and development. Surprisingly, the government document does not refer to any participation by the LTTE in this so-called decision-making body. With regard to the composition and constituting members, para 2 of the proposal states, "The Apex Body shall be constituted in a manner that it reflects the ethnic composition in the North-East and comprise members who are truly representative of the ethnic groups constituting the Northeast." The government has not clearly spelt out as to who are these 'true representatives' of ethnic groups. It could be assumed that the government is referring to the non-LTTE elected representatives of the Tamil, Muslim and Sinhala people. The failure to define the participatory role of the LTTE in the Apex Body is a major flaw in the entire project...

'We wish to point out that the envisaged new structure does not offer significant participatory role for the LTTE, except in the low level Development Committees and in administering the North East

Reconstruction Fund. Situating the development structure within the parameters of the constitution you have effectively placed the proposed institution under the authority of the central government, particularly under the authority of your office and Parliament. Having completely rejected our suggestion for an interim administrative structure with significant role for the LTTE, your proposal clearly states that the 'administration of the Northeast is the responsibility both of the Northeast Provincial Council and the central government'. In this context, you have conveniently ignored the stark reality that the LTTE runs a de-facto administration of its own in vast tracts of territories under its control in the Northeast.

'As you are aware we have been critical of the functions of multiple government structures and agencies that work at cross purposes at various levels of administration and have created serious impediments for rehabilitation and development activities. We are of the opinion that the proposed new structure for rehabilitation and development will turn out to be a new apex bureaucracy administratively linked to several other inefficient and defunct state agencies and mechanisms and will not be able to carry out the immense humanitarian tasks efficiently. For the reasons set-out in our critique the leadership of our liberation movement regrets to inform you that the new proposal submitted by your government for our perusal is unacceptable to us.'

The Prime Minister responded to my letter on 1 June thus:

Dear Mr Balasingham,

'I have your letter of 30th May 2003, containing the response of the leadership of your organization to the proposal made by me through the Norwegian Facilitator.

'I appreciate that your organisation is doing its utmost to seek a settlement through negotiations and

that you are sincerely and seriously committed to the peace process. Furthermore, I am pleased by the reiteration of the LTTE's position that it has "renounced violent struggle and war". The Government for its part is fully committed to achieving an atmosphere where the process could be carried forward towards the accomplishment of our common objective.

'The international Donor community is also playing its role to further the peace process. Moreover despite a final settlement not yet being in place, the Donor community has unlike in other similar situations in the world, thought it would be appropriate to invest considerable material support for the North-East reconstruction. You would also appreciate that an interim administrative structure would need to have the endorsement of the international community in order to mobilise adequate resources for the reconstruction of the North-East. The funding mechanisms proposed will ensure that the funds that are intended for the rehabilitation of the North-East will be utilised for the purposes for which they are pledged and committed. This to our mind is the gist of the international safety-net which protects the whole of the peace process.

'As I indicated in my letter of 27th May, to the Norwegian Minister of Foreign Affairs, a copy of which was made available to you, the innovative administrative structure that was proposed for reconstruction and development of the North-East will have to achieve the following objectives:

- to be efficient, transparent and accountable;
- safeguard the interests of all communities in the North-East;
- enable the LTTE to play a significant role;
- not be in conflict with the laws of Sri Lanka.

'Let me reiterate here our position regarding the innovative structure for the development of the North-East. It was our intention that any further clarification could have been provided by the Norwegian

team.

‘At the pinnacle of the structure is the Apex Body. It was intended to be a provisional measure and would have adequate administrative authority for the delivery of tasks. It will play the dominant role. Its core activity would be strategic decision-making in respect of all immediate and medium term rehabilitation, reconstruction and development work in the North-East.

‘The composition and size of the Apex Body would be the subject of discussion between the Parties. But undoubtedly the LTTE will participate in the Apex Body and have a majority voice in its deliberations, subject to effective safeguards which are mutually agreed upon for Muslim and Sinhala interests.

‘The institutions at the middle level will act as support mechanisms and will not usurp the dominant role of the Apex Body. The LTTE will also have effective participation at these levels.

‘We are convinced that the structure proposed by us taken as a whole, will fully enable the accomplishment of the objectives which you have stipulated in respect of development, rehabilitation and humanitarian activities in the North-East. We are also confident that this fact can be made clear to you if the opportunity for a comprehensive discussion about the content of the proposal could be arranged at this juncture. In view of the complex and innovative character of the elements that comprise this proposal it is our conviction that a practical resolution of this matter is possible only by substantive discussion and that communication through the exchange of letters will not be sufficient.

‘It is for this reason that we urge the holding of such a meeting, with the active participation of the Facilitator in order to surmount the existing problems and carry the process forward in a manner acceptable to both parties.

‘Therefore I am writing to Mr Jan Petersen Norwegian Foreign Minister requesting that the Facilitator arrange for a dialogue in order to enable representatives of the Government to explain, provide whatever clarification is necessary and to enable an understanding of your views. A discussion between the two Delegations could be subsequently arranged.’

Responding to the Prime Minister’s letter on the 4 June, I stated that ‘the LTTE was disappointed to note that you have not given a clear and precise response to our letter proposal but rather indicated, negatively that you could not act against the rules and laws of the land.’ Extracts from my letter are as follows:

Dear Prime Minister,

‘Having given careful study to the contents of your communication, the leadership of the LTTE is of the opinion that you have failed to address the central issue raised by us. Instead, you have attempted to provide clarifications to some elements of your proposal for a development structure and called for a comprehensive and substantial dialogue with the LTTE for further clarifications.

‘At the outset, we wish to point out that we seriously differ in perception in connection with what the LTTE leadership proposes and what your government offers. While our leadership has proposed an Interim Administrative framework, a politico-administrative structure for the Northeast with wider participation of the LTTE, your government has offered a council with a structure and mechanism for the development of the region. While the LTTE is seeking an Interim Administrative framework as pledged by you in the elections and for which you received a mandate from the people, your government is proposing a development structure with limited scope and power in which the role of the LTTE is not yet clearly defined and subjected to further discussion and clarification...

‘We have had a bitter and frustrating experience of the lack of performance of the mechanisms already instituted. We are not convinced that by creating a

new apex bureaucracy within the existing systems will provide a realistic, practical solution to the formidable humanitarian problems faced by our people.

'Having realised that the Tamil people are loosing confidence and patience in the peace process in resolving urgent humanitarian issues, our leadership was forced to reappraise the entire situation. We felt that the negotiating process has moved in the direction of exploring theoretical models and road-maps towards a permanent solution ignoring the harsh existential ground realities of a suffering population who yearn to experience a sense of peace, normalcy and decent life. We also felt that your administration is unstable and caught up in a ferocious cohabitation war with the all powerful President and therefore cannot bring about a permanent settlement to the ethnic conflict by restructuring the Sri Lankan political and constitutional systems. We had no choice but to suspend the talks to compel you to rethink and review the ground situation and redefine the agenda for a radical change. It is in this context our leadership proposed an Interim Administrative framework, an innovative new structure with specified politico-administrative functions, vested with adequate authority and legal status 'with greater participation of the LTTE in both decision making and delivery of the tasks of rebuilding the war damaged economy and restoring normalcy in the Tamil speaking homeland.' As we have stated, we entrusted the task of formulating the new interim administrative structure to your government hoping that you may find a radical and creative method to overcome the legal and constitutional impediments. But we are disappointed to note that you have not given a clear and precise response to our proposal but rather indicated, negatively that you could not act against the rules and laws of the land. Instead, you are suggesting a new structure limited to development and reconstruction activities in which the role of the LTTE is subjected to further discussions and

clarifications. We regret to say that your suggestions are unsatisfactory and therefore unacceptable.'

Having carefully examined the contents of Mr Wickremesinghe's letters, the LTTE leadership was convinced that the government, constrained by the constitution on one side and cautioned by the President on the other, would not be able to offer a concrete interim framework with substantial administrative powers as envisaged by Pirapaharan. Our decision to suspend participation in the peace talks and to boycott the Tokyo Conference, however we rationalised, led to doubts about our very commitment to the peace process and negotiated political settlement among the international community. Furthermore, our systematic and continuous rejection of the proposals and counter-proposals made by Mr Wickremesinghe had also a negative effect, construing us as uncompromising and intransigent. Pirapaharan discussed with me the implications of this negative perception. He suggested that instead of demanding proposals from the government, the LTTE should put forward, in writing, with the consultation of eminent scholars and constitutional experts from the Tamil diaspora, a concrete set of proposals for an interim administrative structure. Accordingly, arrangements were being made to convene a conference of Tamil experts in Europe to formulate an adequate framework.

In the meantime, the Tokyo Donor conference was held on June 9-10 with the participation of government Ministers and representatives from 51 countries and 22 international organisations. The Prime Minister of Japan, Mr J Koizumi and the Premier of Sri Lanka, Mr Wickremesinghe, made opening addresses. The US, Japan, European Union and Norway functioned as co-chairs of the conference. The donors pledged 4.5 billion dollars for the reconstruction and development of Sri Lanka over a period of four years.

At the end of the conference a document entitled, 'Tokyo Declaration on Reconstruction and Development of Sri Lanka', was released. The cardinal element of the declaration was the linkage between the donor support and progress in the peace talks, a theme that was elaborated in the following para 18:

'Assistance by the donor community must be closely linked to substantial and parallel progress in the peace process towards fulfilment of the objectives

agreed upon by the parties in Oslo. The Conference encourages the Government of Sri Lanka and the LTTE to enter into discussions as early as possible on a provisional administrative structure to manage the reconstruction and development aspects of the transition process. The process would need the expeditious development of a roadmap with clear milestones indicating the path towards a mutually acceptable final political solution. With this in view, the international community intends to review and monitor the progress of the peace process closely, with particular reference to objectives and milestones including:

- a. Full compliance with the cease-fire agreement by both parties.
- b. Effective delivery mechanisms relating to development activity in the North and East.
- c. Participation of a Muslim delegation as agreed in the declaration of the fourth session of peace talks in Thailand
- d. Parallel progress towards a final political settlement based on the principles of the Oslo Declaration.
- e. Solutions for those displaced due to the armed conflict.
- f. Effective promotion and protection of the human rights of all people.
- g. Effective inclusion of gender equity and equality in the peace building, the conflict transformation and the reconstruction process, emphasizing an equitable representation of women in political fora and at other decision-making levels.
- h. Implementation of effective measures in accordance with the UNICEF-supported Action Plan to stop underage recruitment and to facilitate the release of underage recruits

and their rehabilitation and reintegration into society.

- i. Rehabilitation of former combatants and civilians in the North and East, who have been disabled physically or psychologically due to the armed conflict.
- j. Agreement by the Government of Sri Lanka and the LTTE on a phased, balanced, and verifiable de-escalation, de-militarization and normalization process at an appropriate time in the context of arriving at a political settlement.

The LTTE, in an official statement issued from its headquarters in Vanni, on 23 June, rejected the resolutions and declarations adopted by the donor community at Tokyo. The statement said that the document had no binding obligations on the organisation. The statement further stated:

‘We have not been consulted on the set of propositions and resolutions enunciated in the Tokyo Declaration. The Colombo 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,’ the LTTE statement said.

‘The LTTE has also criticised the government of Ranil Wickremesinghe for complicating the peace process by allowing undue and unwarranted interference by extra territorial forces in the ethnic conflict, which is an internal political affair that has to be resolved by the parties in conflict.

‘The compulsions that arose from severe economic and political bankruptcy have compelled the government to seek the ultimate refuge in the so-called ‘international safety net’ to resolve the economic and political crisis of the country. By seeking this ‘safety net’ the Colombo regime has shifted the peace process from third party facilitation to the realm of international arbitration by formidable external forces that has far-reaching consequences to the political and

economic destiny of the island.'

In the meantime, the LTTE leader appointed a Constitutional Affairs committee, comprising of Professor Sornarajah, Professor of Law, National University of Singapore, Mr Shiva Pasupathi, PC, former Attorney General of Sri Lanka, Mr Rudrakumaran, legal advisor to the LTTE, Dr Manuelpillai Paul Dominic, Professor of Law, University of Sydney, Professor P Ramasamy, Professor of Political Science, National University of Malaysia, Mr Visvendran, legal expert and Dr Jay Maheswaran, economic advisor. The constitutional experts met in Paris during the latter part of August 2003 and formulated a set of proposals for an Interim Self-Governing Authority for the northeast. (see Appendix for details) The proposals consisted of radical, innovative features delegating plenary power necessary for the governance of the northeast, including powers relating to resettlement, rehabilitation, reconstruction and development. Having been endorsed by the LTTE leadership, the proposals were submitted to the government of Wickremesinghe through the Norwegian Ambassador in Colombo, on the 1 November 2003. Exactly four days after the submission of the LTTE proposals, on 4 November, while the Wickremesinghe administration was considering the proposals, President Kumaratunga struck at the government by removing Mr Tilak Marapone, Minister of Defense, Mr Jon Armaratunga Minister of Interior and Mr Imtiaz Bakeer, Minister for Media from their posts. On 7 February 2004, President Kumaratunga issued a gazette notification dissolving Sri Lanka's Parliament, the final act that brought an end to Wickremesinghe's government.

Critical Appraisal of the Peace Talks

The peace talks between the government of Ranil Wickremesinghe and the Liberation Tigers did not collapse irredeemably, leading to the resumption of war. The talks were suspended, intentionally, by the LTTE to provide time, space and opportunity for Wickremesinghe's administration to formulate an effective administrative mechanism with adequate power and capacity to undertake the monumental tasks of rehabilitation and reconstruction in the war devastated northeast. Since the

government's proposals were totally unsatisfactory, the LTTE presented its own framework, the Interim Self-Governing Authority (ISGA), as a basis for the resumption of talks. The sudden intervention of President Kumaratunga in paralysing Wickremesinghe's administration was motivated to advance her own agenda to maximise her power. By winning the elections with the alliance of the JVP, she was able to extend her sphere of influence and power in the legislature. The ISGA, the only instrumentality that could have saved the peace talks from protracted stalemate, became the victim of the power struggle in Colombo, between the two major Sinhala political parties, the United National Party (UNP), and the Sri Lanka Freedom Party (SLFP). On the day the President took over the limited executive authority vested with the Defense and Interior Ministries of Wickremesinghe's regime, the SLFP released its official statement, written by Laksman Kadirgamar, the Presidential Advisor, condemning outrightly the LTTE's proposal. The statement said that, 'the ISGA proposals laid the legal foundation for a future, separate, sovereign state. The proposals clearly affect the sovereignty of the Republic of Sri Lanka and violate the constitution'. After the elections, having assumed power in parliament, the President changed her tune when confronted with the necessity of resuming the peace talks with the LTTE. Asserting that any interim arrangement should be an integral part of the final settlement, she invited the Tigers for parallel talks, both on interim and permanent solutions, the former to be the organic part of the latter. The President also suggested that her draft constitution of 2000, which dealt with the establishment of an interim administration, could be the basis for talks with the LTTE. She needed a restructuration of the constitution to abolish the presidency, and to consolidate a Westminster model of Parliament, which would provide the opportunity for her to remain in politics as Prime Minister. In other words, the President's personal agenda of perpetuating and maximising power could also be realised by linking the peace process to constitutional reform.

The power struggle within the Sinhala ruling elites, the calculated abuse of the ethnic conflict to promote and maximise their political power and influence, were cardinal causes for the failures of the negotiating process. None of the major Sinhala political parties - the UNP, SLFP and the JVP, has a clear, coherent, well-conceived

policy or a framework of a solution to the national conflict. The Sinhala political establishment is fully aware of what constitutes the core issues, or the fundamentals of the Tamil national question. The Tamils had already enunciated those fundamentals, or core demands, in terms of the Thimpu principles. None of the Sinhala political parties dared to address the issues. The lack of a coherent policy on the ethnic conflict, the absence of consensus within the Sinhala polity on a framework for settlement, the dearth of political will among the Sinhala political leaders, have been the source and cause of the failure of several peace negotiations.

From the early stages of the Norwegian facilitated peace talks, we found that Wickremesinghe's political power was built on a shaky foundation. There was a dual power structure in Colombo: the legislative was in conflict with the executive and the state system was essentially unstable. Mr Wickremesinghe's authority in the fragmented power system was extremely limited. His position was further weakened by the hostile uneasy relations with the President, who yielded immense executive authority, with total control of the armed forces. Furthermore, the highly entrenched constitution and its judicial guardian, the Chief Justice, precluded him from embarking on any radical, innovative measures to find solutions to varieties of issues that underlie the ethnic conflict. The SIRHN, the only institution mooted to resolve urgent humanitarian issues, was functioning under the Prime Minister's office, ground to a halt primarily because of the poverty of power. Professor Peiris, a sharp legal expert, was reluctant to seek legislative authority to build up institutional structures for fear of constitutional constraints. A powerless, unstable government caught up in a co-habitation conflict with the Presidency, could not address the immediate existential problems or the underlying core issues of the Tamils, a crucial factor for the setback of talks. Mr Wickremesinghe had his own agenda and goals. He probably entertained a hope that he could eventually resolve the protracted conflict, if and when he assumed power as an all-powerful President, with the backing of the minority communities. But the LTTE leadership could not be expected to wait in a political vacuum for more than two years, facing an impatient, angry population.

The LTTE's negotiating strategy was, as I have pointed out earlier, to advance the peace process stage-by-stage, identifying

crucial issues and to seek solutions, with mutual understanding and agreement. Within this pragmatic strategic framework, the Tamil Tigers gave primacy to the resolution of urgent and immediate life problems. We did not deliberately defer or avoid contentious or core issues during negotiations. We knew that Wickremesinghe's administration, though it entertained such intentionality, did not have the necessary political authority to deal with the fundamental issues underlying the Tamil national question. Wickremesinghe's party (UNP) was divided and confused over the core demand of the Tamils for a unified, contiguous homeland encompassing the north-eastern region. Furthermore, to fulfil the aspirations of the Tamil people for self-rule in their homeland entailed a redefinition of the Sri Lankan polity through a radical, new constitution, a task beyond the political capacity of Wickremesinghe's government. Nevertheless, Professor Peiris and the facilitators wanted substantial progress on the political level, downplaying the burning humanitarian issues. It was in this context that the decision to 'explore federal systems' was taken out of its theoretical construction and blown up as a paradigm shift'. Having spent considerable time and effort on the groundwork to initiate the talks, the Norwegian facilitators were inclined to paint a positive picture of systematic progress in the negotiations. Official Norwegian press releases on the talks revealed a sense of overoptimism, as if there had been substantial achievements and break throughs.

I should compliment the facilitators since they handled the negotiating process skilfully, encouraging the parties to engage in discussions, identifying issues, avoiding acrimony and helping develop and consolidate mutual trust and goodwill. Most importantly, the facilitators took great care and were sensitive in maintaining the balance of equal partnership between the protagonists, between the state and non-state actors. Unfortunately the excessive involvement of the international actors and their own strategic interests and power projections, began to affect the balance of power relations between the parties on conflict. The donor conference organised by the Norwegians allowed space for the donor community to impose parameters on the nature of the settlement that affected the parties' freedom to determine their political status and destiny. The economic agenda of the government, necessitating massive aid, created space for the intrusion of international donor

involvement in the peace process. Wickremesinghe's grand plan of an 'international safety net' as a containment strategy against the LTTE, made the Tamil Tigers cautious and suspicious of international entrapment via the peace process.

In my assessment, the only substantial achievement of the entire peace process was the Ceasefire Agreement entered into between the parties in conflict with Norwegian facilitation. Norwegian peace envoys played a critical role in the formulation and the promulgation of the truce agreement between the adversaries who fought the most savage and bloody battles for nearly two decades. The ceasefire has been holding for two and a half years, without any major armed confrontation between the parties. The Norwegians also continue to play an important role as monitors, maintaining impartiality and objective neutrality in supervising the truce in a politically turbulent environment. Based on military power balance or strategic equilibrium, the Ceasefire Agreement is of paramount importance to peace in Sri Lanka. The possible resumption of the negotiating process, rests squarely on the foundation of the Ceasefire Agreement. As such, the parties in conflict are conscious of the importance of the stability of the ground situation. Consolidation of ceasefire is a necessary condition for peace and peaceful means of securing a negotiated political settlement.

References and Notes

1. Annual Report of the Central Bank, 2001.
2. See TamilNet March 2, 2002
3. Adele Balasingham in her book, 'The Will to freedom' has covered this area extensively.
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6. Scheiderman, David. edited, 'The Quebec Decision' page 61-62.
7. Lt General Satish Nambiar submitted his final eight-page report to the Sri Lankan Prime Minister in May 2003.
8. See Tamil Guardian 28 January 2003.