

HOW DO SEPARATIST INSURGENTS USE NEGOTIATIONS  
FOR THEIR GROWTH AND SURVIVAL?

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Strategy

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## ABSTRACT

HOW DO SEPARATIST INSURGENTS USE NEGOTIATIONS FOR THEIR GROWTH AND SURVIVAL? by MAJ M. A. A. J. Kularatne, 139 pages.

Several scholarly discussions have been held and numerous studies conducted on the subject of counterinsurgency warfare but only a little emphasis has been made on studying the relationship between negotiations and the growth of insurgents. For that reason, an effort was made to research this unexamined area, initially by conducting an in-depth review on the literature published on the subjects of insurgency and negotiations to acquire a sound knowledge on the theoretical foundations pertaining to the key areas of the research question and subsequently by analyzing a case study on the Sri Lankan scenario, where a prolonged counterinsurgency campaign has been waged for the last two decades.

This research focuses on four different episodes where the Government of the Democratic Socialist Republic of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) had conducted negotiations from 1985 to 2003 in order to analyze how an insurgent organization makes use of negotiations for its growth and survival through a case studies methodology.

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## ACRONYMS

BATNA	Best Alternative to a Negotiated Agreement
DGDP	Directorate of Graduate Degree Programs
ENLF	Ealam National Liberation Front
EPRLF	Ealam People's Revolutionary Liberation Front
EROS	Ealam Revolutionary Organization of Students
GDP	Graduate Degree Programs
GOSL	Government of the Democratic Socialist Republic of Sri Lanka
GWOT	Global War on Terrorism
LTTE	Liberation Tigers of Tamil Eelam
PA	People's Alliance
PLOTE	People's Liberation Organization of Tamil Ealam
SGA	Small Group Advisor
SLFP	Sri Lanka Freedom Party
TELO	Tamil Ealam Liberation Organization
TNA	Tamil National Army
UNF	United National Front
UNICEF	United Nations Children's Fund
UNP	United National Party

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## CHAPTER 1

### INTRODUCTION

He will win who knows when to fight and when not to fight.

Sun Tzu, *The Art of War*

#### Background of the Problem

Throughout history, few states have been able to avoid the agony of insurgencies. Whether the insurgent war is long or short, the continued focus has, historically, been on the growth and survival of the insurgent organization until the attainment of its desired end state. To this end, insurgents use many tools such as espionage, ambushes, assassinations, bombings, sabotage, propaganda and negotiations. However, it is surprising to note that most counterinsurgents have paid little attention to averting the insurgents from making use of negotiations as a tool of their insurgent campaign.

Those legitimate governments that fail or delay in effectively responding to an insurgency during the early stages, particularly during negotiations, may lose control over the insurgents as well as the population. As a result, over a period of time, the scope of the insurrection may broaden into a regional or an international dispute, often with external powers supporting either the legitimate government or the illegitimate insurgents. Consequently, the negotiations process becomes increasingly complicated and irresolute due to the involvement of several other parties than the insurgent and the counterinsurgent. Paradoxically, any delay in conciliating a final solution becomes an advantage for the insurgent in gaining power and status for the growth and survival.

Even the first documented guerrillas of the Anastas, a Hittite parchment dating from the fifteenth century B.C. (Beckett 2001, 1), may have fought and negotiated to gain time and power. It was found that both historical and contemporary insurgencies have many things common in their approach to fighting the counterinsurgents. It is interesting to note that even the Irish Republican Army of Northern Ireland, the Shanthibahini insurgents of Bangladesh, and the Mozambican National Resistance (MNR or RENAMO) of Mozambique compromised on political solutions through negotiations. However, the author does not intend to study or discuss all the insurgencies around the globe, who engaged in negotiations, but the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, who have still not agreed on a final settlement.

Negotiations to resolve the protracted and entrenched armed conflict in Sri Lanka run into a deep history. Those negotiations between the GOSL and the LTTE were of several forms. The initial round of negotiations was conducted overseas under the auspices of India and the subsequent negotiations were largely bilateral and were done in Sri Lanka. However, the last couple of negotiations was facilitated by external powers and was also conducted overseas. Irrespective of the nature of these negotiations, the outcomes were not positive enough to end the conflict but were only conducive for the survival, sustenance and continuation of the insurgency. The continuous failure of these peaceful endeavors escalated the island's armed struggle instead of resolving it.

These left successive Sri Lankan governments to negotiate with the most violent and uncompromising of the separatist insurgent groups on the earth, and continue a costly military struggle whenever the negotiations failed. The Sri Lankan context provides sufficient examples on the complexities faced by legitimate governments in dealing with

a separatist insurgent movement that is not prepared to use negotiations for compromising a solution but for its growth and survival.

As a result of relentless politico-economic disputes with the Sinhalese politicians since the independence from British in 1948, the concept of a separate state “Tamil Eelam” was first proposed by the Tamil United Liberation Front (TULF) in 1976 (Hannum 1996, 284). Consequently, the GOSL has been embroiled in a military campaign for over two decades against the LTTE, a group of insurgents, who has been using terrorism to obtain a separate homeland state (Tamil Eelam) for Tamils in the northern and eastern provinces of Sri- Lanka (figure 1).

The paradox is that all the successive governments elected after 1989 have failed to maintain either a strong political stand or a formidable military power for coercing the LTTE to negotiate a final agreement. Consequently, the LTTE has always found reasons to unilaterally suspend the negotiations processes and resume hostilities with much greater preparedness and military strength than it ever possessed prior to negotiations as a result of various outcomes of such negotiations that were favorable to them. Therefore, the author believes that the LTTE has been using the whole process of negotiations during the last 21 years not to compromise on a solution short of independence but to increase its diplomatic, informational, military, and economic power for waging a protracted struggle until the attainment of its desired end state, the secession from the Sri Lankan state to establish Tamil Eelam (figure 1).

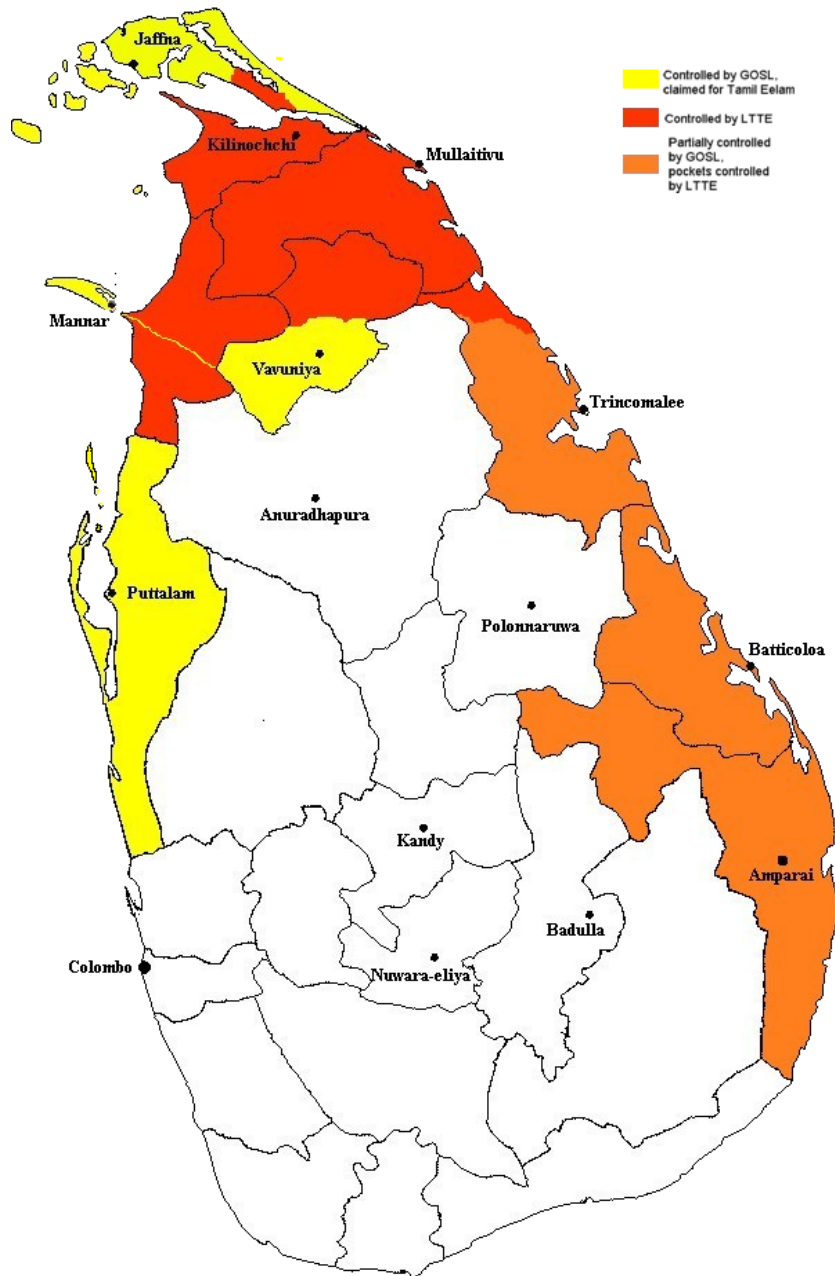


Figure 1. The Area Claimed by the LTTE

Source: Wikipedia, *The Free Encyclopedia* [encyclopedia on-line]; available from [http://en.wikipedia.org/wiki/Image:Extent\\_of\\_territorial\\_control\\_in\\_sri\\_lanka.png](http://en.wikipedia.org/wiki/Image:Extent_of_territorial_control_in_sri_lanka.png); Internet; accessed on 2 October 2006.

The insurgency has been variously aided by the Indian central and Tamil Nadu governments, contributions from the expatriate Tamil community, and -more recently- proceeds from drug and weapons trafficking as well as extortion, racketeering, abductions, and bribery in LTTE-held regions (Rotberg 2003, 221-235). After a series of failed negotiations and cease-fires since 1985, the GOSL and the LTTE signed a Memorandum of Understanding (MoU) in February 2002, for an indefinite cease-fire.

Even though the LTTE has been proscribed as a terrorist organization in several countries including the United States, it fulfills most of the characteristics of an insurgent organization. Notwithstanding the various conflicting thoughts on negotiating with terrorist organizations, this research endeavors to circumspectly establish how the separatist insurgents make use of negotiations for their growth and survival. The findings of this research will lead to certain recommendations that may be applicable to legitimate counterinsurgents, during negotiations in quest of a lasting solution.

### The Research Question

A motive for insurgents to seek negotiations at the beginning of the conflict is that it gives them a measure of legitimacy by underscoring both the political nature of their demands and by the implication that the conflict cannot be ended without their participation in a settlement (Mac Ginty 2003, 57). However, it is perceived that the negotiations provide the insurgents with gainful opportunities throughout their struggle. Thus, this thesis will analyze the pros and cons of engaging in negotiations with insurgents for the settlement of internal disputes by legitimate governments and answer the question: How do separatist insurgents use negotiations for their growth and survival?



To answer the primary question, the author will endeavor to find answers to seven secondary questions: (1) At what stages of armed conflict do the separatist insurgents seek to negotiate? (2) Why do separatist insurgents agree to government requests to negotiate? (3) What advantages do separatist insurgents gain by offering to negotiate? (4) How do separatist insurgents benefit from the respective government's counter offers to their negotiation offers? (5) How do outcomes of a mutual agreement to negotiate become beneficial for the separatist insurgents? (6) What are the benefits that the separatist insurgents gain during negotiations? (7) How does an interruption in negotiations, a withdrawal from negotiations, or an interim or final agreement benefit separatists? The answers to the aforesaid primary question and secondary questions will enable the author to draw logical conclusions and recommend certain plausible solutions for the problem to be discussed.

#### Assumption

The author considers that the LTTE is a separatist insurgent organization though it has been conducting numerous acts of terrorism.

#### Definitions

The term "negotiation" has been defined by many intellectuals to suit the changing demands of various circumstances. In conformity to most of such definitions that are applicable to the scope of the research, the author defines negotiation as:

Negotiation is a bargaining process based on discussions and reciprocals between two conflicting parties, who seek to compromise solutions for a common problem. This process does not necessarily end with a final agreement or a solution but continues with successive outcomes that may be either favorable or unfavorable to one another. Such outcomes significantly affect the status and the bargaining power of each party in resuming either the conflict or the negotiations

alternatively. The final agreement and/or solution create either a win-win or a win-lose situation proportionately to the costs and benefits incurred on both parties as unavoidable results of the negotiations process.

There is also a necessity to define the term “insurgent” for the logical continuation of in-depth research. The *Oxford Advanced Learners’ Dictionary* defines an insurgent as “a person fighting against the government or armed forces of his own country.” Similarly, the term “insurgency” needs to be defined since an insurgent alone is trivial in the course of Counterinsurgency War. Accordingly, this thesis uses the following definition given in the pamphlet, *Guide to the Analysis of Insurgency*, published by the Central Intelligence Agency in the 1980s:

Insurgency is a protracted political-military activity directed toward completely or partially controlling the resources of a country through the use of irregular military forces and illegal political organizations. Insurgent activity—including guerrilla warfare, terrorism, and political mobilization, for example, propaganda, recruitment, front and covert party organization, and international activity—is designed to weaken government control and legitimacy while increasing insurgent control and legitimacy. The common denominator of most insurgent groups is their desire to control a particular area. This objective differentiates insurgent groups from purely terrorist organizations, whose objectives do not include the creation of an alternative government capable of controlling a given area or country. (Byman 2001, 5)

Since terrorism is one of the insurgent activities as per the above definition, and the insurgent organization selected for case studies has demonstrated several characteristics of terrorism, it is important to either define or select a suitable definition for terrorism. Several definitions on terrorism were found in both descriptive and analytical literatures which carry their own biases and assumptions. However, it was found that the Alex P. Schmid’s definition of terrorism, which has achieved both universal academic consensus and the official recognition by the United Nations Office on Drugs and Crime, provides a generic and a comprehensive description to this term.

Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought. (1988, 28)

The provision of a clear definition for the LTTE in relation to terrorism is prone to argument. Nevertheless, Major Martha K. Jordan, a graduate of the Air Command and Staff College, Montgomery, AL, United States, in her research paper *Terrorism and US Policy: Problems in Definition and Response*, has endeavored to relate the existing definitions on terrorism to the LTTE. Major Jordan provides a reasonable description on the nature of the LTTE from a universal perspective:

Another problem in defining terrorism is that different types of groups exist. Some groups, such as the Liberation Tigers of Tamil Eelam (LTTE) are separatist groups with their own independent agenda (the LTTE wants its own independent Tamil state in Sri Lanka); they generally confine their attacks to domestic political and military targets, economic infrastructure, and civilians. Such groups are more an internal problem for their own governments, rather than a threat to US national security interests. (1997, 11)

On the other hand, Princeton University, which is one of the leading research universities in the United States, has provided a definition for the LTTE, which is more or less similar to many other definitions found in online dictionaries such as *The Free Dictionary by Farlex*:

Liberation Tigers of Tamil Eelam: a terrorist organization in Sri Lanka that began in 1970 as a student protest over the limited university access for Tamil students; currently seeks to establish an independent Tamil state called Eelam; relies on guerilla strategy including terrorist tactics that target key government and military personnel; the Tamil Tigers perfected suicide bombing as a weapon of war. (WordNet: Online Lexical Reference System by the Princeton University)

### Limitations

It is envisaged that the conduct of a comprehensive research on all the insurgent organizations in the world that engage in negotiations and how they use such negotiations is beyond the capability of the author due to limitations of time and access to resources within the short period spent in the Fort Leavenworth. The conduct of surveys and interviews among primary sources in Sri Lanka is also impossible due to constraints in physical reach. Further, there is a constraint in referring to a wide range of materials published in Sinhalese and Tamil languages (two different official languages in Sri Lanka), by various intellectuals in Sri Lanka. Moreover, due to author's geographical separation from the country under the case study there is a serious constraint in keeping this research updated with the ever-changing relations between the GOSL and the LTTE and the extremely volatile political situation in Sri Lanka.

### Delimitations

This thesis will be initially narrowed to research and analyze only the situation of the insurgency in Sri Lanka. It will be further narrowed down to the study of four different sessions of negotiations held between the GOSL and the LTTE from 1985 to 2003. The author intends to find answers to the primary and secondary questions by researching aforementioned negotiations processes through a case study methodology. Furthermore, this research will not discuss the mediators or facilitators or the role played by them during the negotiations or during the intervals between negotiations.

### Significance of the Study

The broad purpose of this research is to find how separatist insurgents make use of negotiations for their growth and survival. Findings of the research lead to certain recommendations for the legitimate counterinsurgents to profitably engage in negotiations whilst denying the insurgents undue advantages during the lull of negotiations for their politico-diplomatic, informational, military, and economic growth and survival to wage a protracted war.

The system of independent states has been the foundation for both political freedom and the sovereignty of individual countries since the Peace of Westphalia in 1648. On the other hand, the rise of insurgencies within those sovereign states has threatened world peace as they magnetize the superpowers' involvement in many domestic disputes. It is difficult to cite many examples of insurgencies that are purely internal in its conduct. Moreover, it is even difficult to find many instances where the insurgencies have been neutralized solely by military means.

Concomitantly, history provides evidence for peaceful settlement of many domestic disputes through negotiated settlements, mostly with external mediation or facilitation. However, the contemporary world sees a trend among numerous insurgent organizations in using negotiations to gain power, status, and time for their growth and survival. The existence and expansion are critical for insurgents to reduce the asymmetry between them and the counterinsurgent. Generally, the internal negotiations during an insurgency end with a stalemate, where the insurgents resume armed struggle and gradually attempt to shrink the military strength of the counterinsurgent. Consequently, they resume the next round of negotiations with a significant preponderance of

bargaining power to apply pressure on the counterpart during the talks until they reach the desired final agreement or another stalemate to begin the next phase of the conflict.

Thus, the importance of this topic can be explained by evaluating the ever-increasing politico-diplomatic, informational, military and economic power of the LTTE, in the twilight of intermittent peace talks and cease-fire agreements. The growth of the LTTE has neither enabled the GOSL to devise a political settlement nor the Sri Lankan security forces to effectively combat and defeat the separatist insurgency in Sri Lanka. Moreover, the credibility of both regional and world powers that denounce terrorism is also being challenged by the continuation of undemocratic acts by the thriving LTTE that has still not renounced terrorism.

Furthermore, the outcome of this research may be useful in improving the effectiveness of negotiations between insurgents and legitimate governments to solve internal conflicts or to resolve controversies between succeeding governments over such internal conflicts. This research may also advance scholarship in the field of military art and science since it has a bearing on the interrelationships of military forces with economic, geographic, political, and psychological elements of national power to achieve national objectives.

## CHAPTER 2

### LITERATURE REVIEW

No style of writing is so delightful as that which is all pith, which never omits a necessary word, nor uses an unnecessary one.

Thomas Jefferson, *The Family Letters of Thomas Jefferson*

#### Introduction

There is a binding prerequisite to grasp a comprehensive knowledge in both historical context and the theoretical foundations of the separatist insurgency, conflict resolution, and the art of negotiations for the success of this research. An adequate study on several aspects of negotiations such as the conditions that the separatist insurgents are compelled to negotiate, the diplomatic, informational, military and economic implications of conducting negotiations with separatists, and the management of negotiations for temporary solutions by separatists until the materialization of the desired permanent solution, is a vital precursor to conduct a comprehensive analysis in chapter 4.

Thus, the most pragmatic way to acquire such a wealth of knowledge is extensive survey and research on scholarly writings and historical evidence from a universal perspective. As a result of the growing threat of global terrorism and all forms of insurgencies, an immense collection of books, research papers, monographs, articles and recorded lectures on the subject by various intellectuals is available. Thus, the author has selected the most relevant collection of both descriptive and analytical documents, which form the bibliography of this thesis.

## Separatist Insurgents

Most of the theoretical aspects on the subject of insurgency are found in analytical documents and in original thoughts of various intellectuals who research the topic and test the validity of their findings against the ever-changing nature of global politics and the environment. Thus, an abundant collection of sources was found and was utilized for further review of literature pertaining to more specific areas of the study.

This review was focused on the definition and characteristics of separatist insurgency, conflict resolution to include negotiations, and cease-fire agreements, conditions that the separatist insurgents resort to negotiate, various outcomes of conducting negotiations with separatist insurgents that involve diplomatic, informational, military, and economic elements of power, and the management of negotiations for temporary solutions by the separatist insurgents until the materialization of the desired permanent solution. There are several descriptive documents that provide sufficient background knowledge and a foundation for studying the concepts of negotiations and insurgencies.

Bard E. O'Neill's book *Insurgency and Terrorism: From Revolution to Apocalypse* provides a comprehensive description on the types of insurgencies. He describes nine different types of insurgencies: (1) anarchist, (2) egalitarian, (3) traditionalist, (4) apocalyptic-utopian, (5) pluralist (6) secessionist, (7) reformist, (8) preservationist, and commercialist (2005, 20-28). O'Neill identifies "secessionists" as separatist insurgents, who rank in the extreme end of the insurgent community in the world.

The ultimate aim of secessionist (separatist) insurgents is even farther reaching than the revolutionary goals espoused by the five types of groups we



have just discussed. Secessionist renounce and seek to withdraw from the political community (nation-state) of which they are formally a part. Perhaps the best-known historical example is the secession of the Southern states and their formation of the Confederate States of America during the American Civil War (1861-1865). Secessionists have been among the most notable insurgents since World War II. Today they are found in all corners of the globe. (2005, 24-25)

He refers to both World War II era anti-colonialist, national movements, such as Vietminh in Indochina and Mau Mau in Kenya and numerous recent and current secessionist-insurgent groups including the LTTE in Sri Lanka, who seek either to form their own nation-state or to join another. He concludes the description of secessionist or separatist insurgents with a brief elaboration on various types of political systems that the secessionists favor:

Whatever the type of political system secessionists favor, the primary goal that inspires their efforts is secession. Regardless of their size and whether their focus is regional, ethnic, racial, religious, ideological, or some combination of thereof, secessionists consider themselves nationalists. Accordingly, bona fide wars of national liberation, such as China's anti-Japanese struggle and the Vietnamese and Algerian wars with France, fall within the secessionist category because primary aim was independence, not the establishment of an authoritarian political system of one sort or another. (2005, 26)

T. David Mason, in his article published on the online journal "Terrorism and Political Violence" (winter 2003), has hypothesized that where relatively deprived ethnic groups live in distinct areas and have their own class-stratification systems (what he calls unranked systems), the ultimate goal of insurgent activity is usually secession, whereas in systems, where groups are intermixed geographically (ranked systems), insurrectionary aims tend to be revolutionary (2003, 83-113). An in-depth analysis would reveal that the geographic and demographic situation of Sri Lanka provide an extremely fertile background for the growth and survival of such kind of a separatist insurgent movement.

David Galula, who is recognized by the United States Army Command General Staff College as an eminent resource in the subject of counterinsurgency warfare, in his book *Counter Insurgency Warfare: Theory and Practice* suggests five phases of orthodox pattern (communist) of insurgency: creation of party, united front, guerrilla warfare, movement warfare, and annihilation campaign (1964, 44-58). These phases can be compared to the successive stages of most contemporary insurgencies including the one waged by the LTTE, who involve in all four case studies of this research.

Galula further describes an insurgency as “the conflict results from the action of the insurgent aiming to seize power - or split off from the existing country, as the Kurds are attempting to do now.” He continues to articulate that an insurgency is a “protracted struggle” conducted methodically, step by step, in order to attain specific intermediate objectives leading finally to the overthrow of the existing order (1964, 3). This protracted struggle is waged using several different ways and means; frequently violent and intermittently nonviolent.

Nonetheless, students of insurgency and counterinsurgency may find that insurgents of all categories have at least one thing in common, as Thomas Sowell, who is an eminent economist, in his award-winning book *Knowledge and Decisions* writes that “it is not surprising that there should be certain patterns common to insurgent movements, whether those movements have been promoting religion, political ideology, minority rights or innumerable other causes” (1980, xi). On the other hand, counterinsurgents who either fail or find it difficult to effectively curb the violence of insurgency through military means, historically resort to a common alternative; negotiation or peace talks with insurgents.

I. William Zartman, a renowned author of numerous publications on negotiations, describes that the internal conflicts, including civil wars, are the most difficult conflicts to negotiate:

Only quarters to a third of modern civil wars (including anti-colonial wars) have found their way to negotiation, whereas more than half of modern interstate wars have done so. About two-thirds of the internal conflicts have ended in the surrender or elimination of one of the parties involved. On the other hand, in principle, negotiation is the best policy for both parties in an internal conflict. It is the government's job to be responsive to the grievances of its people; it is the insurgents' purpose to draw attention to their grievances and gain redress. Negotiation is the natural meeting point of these needs. (1995, 3)

This asymmetric nature of negotiations during an internal conflict is extremely disadvantageous for the government since it has to manage several other core issues that range from feeding its population (including the insurgents) to balancing the annual budget, than its existence; unlike the insurgents, whose only business is to survive and carry out insurgency.

#### The Foundations of Negotiations

No specific reference materials were found on the art and science of negotiation among the 528 field manuals published by the US Army, except for a few student texts, such as the one issued for L 200: Leadership Module of the Command and General Staff Course conducted by the U.S. Army Command and General Staff College, Fort Leavenworth, Kansas (September 2005). This may be due to the reason that the discipline still does not broadly fall within the spectrum of military studies. Nevertheless, there are numerous publications available on the subject of negotiations. Lavinia Hall, Patrick J. Cleary, Ralph A. Johnson, Robert B. Maddux, Steven J. Brams, and William I. Zartman are a few of many distinguished writers who account for a vast collection of resourceful

literature on the theoretical foundations of negotiation. The author has cited some of the most relevant literature belonging to these authors as vital ingredients for producing this chapter.

### Types of Negotiations

Distributive negotiations and integrative negotiations are the two primary types of negotiations that are described in the book *Negotiations*, published by the Harvard Business School Press. A negotiation, in which the parties compete over the distribution of a fixed sum of value, is the “distributive negotiation,” where the key question is “who will claim the most value?” In this type of negotiation, a gain by one side is made at the expense of the other. Some refer to this type of negotiations as “zero-sum” or “constant-sum” negotiation and the term “win-lose” is probably more representative of what is involved. In contrast, the parties cooperate to achieve maximum benefits by integrating their interests into an agreement during “integrative negotiations” and deals are about creating value and claiming it. Most books and courses on negotiations use the term; “win-win” to describe integrative deals (2003, 2-5).

In reality many negotiations are not simple. They involve more than two parties, and they sometimes take place in phases, each devoted to one of several important issues. Thus, the aforementioned two primary types of negotiations can be further subdivided into “multi-phase negotiations,” where multiphase transactions and the prospects of future dealings offer important advantages for parties who are trustworthy and who would like to foster cooperative behavior. In these situations, early phases allow parties to build trust by performing their agreements as promised. A failure to perform warns the other side to be careful and create enforcement mechanisms for agreements. Early phases

of a negotiation also allow the parties to become familiar to with each other's communication and negotiation styles, which often pave the way for more productivity during the subsequent phases (2003, 8-9).

However, all these different types of negotiations can take place openly or secretly due to various reasons such as political, situational, and socio-cultural issues that affect the power and legitimacy of each party to a conflict, particularly those who are engaged in an internal conflict.

### Intellectual Perceptions on Negotiations

Patrick J. Cleary, in his book *Foundations of Negotiations*, which is written for a broad audience, provides a comprehensive guide to negotiation. It walks the reader through the field of negotiating step by step, including the macroprocesses and microprocesses of negotiations, the importance of adequate preparation, knowledge of the rules, and the role and usefulness of a mediator. Although the book focuses more on labor and trade disputes, its scope includes dynamics of negotiations, preparing for the negotiations, the basics of conflict resolution, the negotiations, rules and lessons, and observations from a mediators point of view. Cleary, emphasizing more on conflict resolution, warns negotiators on the motives of the counterpart, "one final point on conflict resolution; don't impute ill motives of your counter parts. Yet and time again, negotiators see all sorts of demons and ill motives on the opposite side of the table. Don't fall into this trap. . . . [D]on't let your counterpart monopolize the microphone or spotlight" (2001, 43).

The book *Successful Negotiation: Effective Win Win Strategies and Tactics* by Robert B. Maddux provides an approach to every negotiation with both parties' interests

in mind. The six-step process introduced in the book is a guide to make each negotiation a win-win. This book discusses draft agreements that will succeed through creation of lasting relationships and increasing the courage and confidence of negotiators. It also describes the application of negotiation techniques and strategies while learning to compromise and make negotiations work. The learning objectives of the book include: to define negotiation opportunities and attitudes, to present the progression needed for negotiations to work smoothly, to provide negotiation strategies and tactics, and to practice negotiating using a case study.

Maddux presents concepts that can be applied in any situation where negotiation is the method by which issues are resolved. Getting to know each other, statement of goals, and objectives; starting the process; expression of disagreement and conflict; reassessment and compromise; and mutual agreement are the six basic steps that Maddux has proposed for a successful negotiation. In his preamble to negotiating strategies and tactics, he states:

Negotiators soon learn that to be successful you have to give in order to get. It's an essential fundamental. The real skill is the ability to determine what to give, when to give, why to give, how much to give, and what to expect in return. (1995, 41)

Maddux's proposals for working out a "give and take strategy" is extremely relevant and appropriate for contemporary negotiators in an internal conflict, such as a separatist insurgency, since what they give and take are the values (intangible and tangible) of common society.

However, there is a limit for "giving" that prompts any of the negotiating parties to suspend or walk-away from the table, usually with another option. This option is the Best Alternative to Negotiated Agreement (BATNA) that Long Fisher, William Ury and

Bruce Patton have described in their book *Getting to Yes* (1991, 97). Once carefully selected and decided, the BATNA provides much leverage for parties to a negotiation either engage in talks (with less strain) or unilaterally disengage the negotiations since they have a choice better than the final agreement that the other party attempts to compromise. Roger J. Volkema, who is a renowned author in the field of negotiations, further articulates the concept of BATNA, in his book *The Negotiation Toolkit*:

If, going into a negotiation, you have an alternative to reaching an agreement, then you negotiate more comfortably knowing that you always can walk. The more important this negotiation is to you, the more essential is to have an alternative that is equally as attractive as a negotiated agreement. If it is not a real alternative, you are not likely to be able to fool yourself or the other party. (1999, 23)

This phenomenon is, however, extremely unproductive for negotiating an end to civil wars, since premature outcomes of such negotiations are usually undesirable for the counterinsurgent (government), whereas the insurgents enjoy the benefit of having several outcomes which are desirable for their cause. As a result, most of the insurgents, including the LTTE in Sri Lanka, have proven that they had a common BATNA, the resumption of armed conflict, usually with more vigor and will to fight.

Steven J. Brams, who is one of the leading game theorists of his generation, in his book *Negotiation Games* (new edition) discusses novel ideas on topics, such as fallback bargaining and principles of rational negotiation. This book applies models and applications of game theory to negotiations, focusing on the strategic issues in a conflict. His arguments are logically presented through several mathematical equations that prove “bargaining procedures and the problem of honesty.” He discusses the “reservation price” of negotiating parties for bargaining during the negotiations. Brams brings out examples

on the bargaining procedures from the Camp David negotiations between Egypt and Israel in September 1978 with the mediation of the US President Jimmy Carter:

The billions of dollars in military and economic aid and the numerous security guarantees that the United States promised to both sides in return for their cooperation were major inducements that led to Camp David Agreements. These may plausibly be interpreted to have made up the difference in the two sides' reservation prices, which seemed far apart in the beginning. Equally plausible is the interpretation that the two sides agreed in principle . . . on the need for and value of Israel withdrawal with security guarantees, an Egyptian recognition of Israel, so their reservation prices actually overlapped. (1990, 58-59)

The above example quoted from Brams's book provides a clear notion that the parties to a conflict can bargain and tradeoff both tangible and intangible values for reaching an agreement. At a critical point both parties conceive that the cost of the conflict as equal; either through tangible values such as loss of people and war fighters, economic downfalls and the destruction of physical assets or intangible values such as the unbearable violence, relentless threat and political instability. Regrettably, in the case of internal conflicts, the overall cost of both tangible and intangible values is unavoidably incurred on the state, its people and the common budget.

#### Conditions Promoting Negotiations

There are certain conditions that affect the power and legitimacy of both parties influencing them to enter into negotiations. Certain conditions may seem conducive to one party while the other finds them coercive or persuasive. However, most of the conditions may be progressive to both parties, at least during the threshold of negotiations. The unbearable violence focused on each other, the pain of prolonged stalemate situations or deadlocks in the armed conflict, agreements through secret talks, and the change of government or regime are some of the crucial conditions that fall into



any of the above discussed categories. Table 1 describes certain conditions under which insurgents and regimes would consider entering into negotiations, as per the calculations of I William Zartman (1995, 307).

Table 1. Conditions for Negotiations			
<i>Insurgents: relative legitimacy</i>	<i>Relative power (insurgents versus regime)</i>		
	<b>Decreasing</b>	<b>Constant</b>	<b>Increasing</b>
Decreasing	Negotiate	<u>Do not Negotiate</u>	Do not Negotiate
Constant	Do not Negotiate	<u>Do not Negotiate</u>	<u>Negotiate</u>
Increasing	Do not Negotiate	Negotiate	<u>Negotiate</u>
<i>Regime: relative legitimacy</i>	Decreasing	<u>Negotiate</u>	<u>Negotiate</u>
	Constant	<u>Negotiate</u>	<u>Negotiate</u>
	Increasing	<u>Do not Negotiate</u>	<u>Do not Negotiate</u>
	<b><u>Increasing</u></b>	<b>Constant</b>	<b><u>Decreasing</u></b>
	<i>Relative power ( regime versus insurgents)</i>		

Zartman, in his book, *Elusive Peace: Negotiating an End to Civil Wars*, recognizes that internal dissonance is the genuine result of the collapse of normal politics and focuses on resolving conflict through negotiation rather than combat. This book enlightens the reader on the nature of internal conflicts and explains why suitable conditions for negotiation and functional solutions are so difficult to find. The author tackles a series of case studies of current conflicts in Angola, Mozambique, Eritrea, South Africa, Southern Sudan, Lebanon, Spain, Colombia, Afghanistan, Sri Lanka, and the

Philippines. He examines the characteristics of each conflict, including past failed negotiations, and makes suggestions for changes in negotiating strategies that could lead to a more successful outcome. This book states that:

An insurgent power is unlikely to exceed the regime power; although it may increase in relation to the regime's advantage. Because of this asymmetry, the insurgents will negotiate only under the best possible conditions or when their survival is jeopardized. They will negotiate under three conditions: in desperation, in triumph, or when their power or legitimacy is relatively constant and the other dimension is increasing. (1995, 308)

The LTTE's insurgency validates the Zartman's argument when studying its resolve to negotiate and resume the armed struggle alternatively during the last two decades. However, this is not a situation that is unique to the Sri Lankan context. A close examination of all civil war negotiations between 1940 and 1992 shows that getting combatants to the bargaining table and resolving their grievances does not guarantee peace. Sixty-two percent of all negotiations during this period led to a signed bargain. Yet, almost half of these treaties were never implemented. Contrary to common expectations, combatants do not have the greatest difficulty resolving underlying conflicts of interest and reaching bargains. They have the greatest difficulty implementing the resulting terms. In short, the conditions that encourage groups to initiate negotiations and sign settlements do not appear sufficient to bring peace (Walter 2002, 5). The civil war in Sri Lanka provides sufficient evidence to support Barbara F. Walter's argument.

## CHAPTER 3

### RESEARCH METHODOLOGY

Negotiation is not often thought to be a relevant mechanism for terrorist organizations. Prerequisites for successful negotiation often include the cessation of hostilities, open communication channels, a belief in reciprocity, and trustworthiness. Most of these factors are antithetical to terrorist activity. Violence is the terrorist's principal mode of operation. Terrorist communication is often one-sided, heralding threats and demands, but not necessarily responding to the outside world. Reciprocity in the negotiation sense is also not a typical terrorist attribute; interactions are generally conflictual, sporadic, and unpredictable. Terrorists do not preach reciprocation, but resignation of the other side. And there is little confidence that terrorists will comply with negotiated agreements if they are not perceived as producing victory for their ideological objectives

Bertram I. Spector *Negotiating with Villains Revisited*

The first step of this research constitutes extensive reference to both primary and secondary sources available at the Combined Arms Research Library, in the author's own collection, and on the internet. The purpose of this step was to acquire sound knowledge of the historic evidence and theoretical foundations of insurgencies and negotiations. It was achieved by reviewing various publications on: (1) the definition and characteristics of separatist insurgency, (2) the foundations of negotiations, (3) specific conditions and factors that influence the government and insurgents to enter negotiations, and (4) various outcomes of negotiations between a government and a separatist insurgent organization that affect the insurgents' diplomatic, informational, military and economic elements of power.

The next step was to address the primary research question and secondary research questions by conducting four different case studies on the negotiations that took place between the GOSL and the LTTE; the first-ever peace talks between the GOSL, Tamil insurgents, and Tamil political parties held in the Bhutanese capital of Thimpu in

July and August 1985 and the subsequent peace talks between the GOSL and the LTTE in Colombo from May 1989 to June 1990, in Jaffna for six months from October 1994, and in foreign countries from 2002 to March 2003 after signing a memorandum of understanding between the parties in February 2002.

During each of those case studies, an in-depth analysis was done on the LTTE's approach towards negotiations and how they applied and exploited the theoretical foundations of successful negotiations to gain outcomes desirable to their organization.

### The Negotiations Model

This chapter describes a generic model, in which the asymmetric negotiations between two parties to an internal conflict occur. This model was the common basis for conducting four different case studies during the analysis in chapter 4 (see figure 2). The creation of the generic model on negotiations began with finding appropriate designations for the parties to the core dispute. The author chooses to use the words “government” and “insurgents” to name the two parties to the core dispute as I. William Zartman has proposed in the introductory chapter of *Elusive Peace: Negotiating an End to Civil Wars*:

“Government” is relatively uncontested as the name for one side, although the legitimacy implied by the term is often a major point of issue in the conflict. However, the other party can take on many names, some of which rejects because of their implications. “Insurgents” is used in the analysis of this book, as are “rebels” and “opposition.” (1995, 4)

The model constitutes several successive stages of a single round of negotiations indicating how the resultant outcomes lead to the growth and survival of insurgents as well as how the undesirable outcomes affect the magnitude of the conflict.

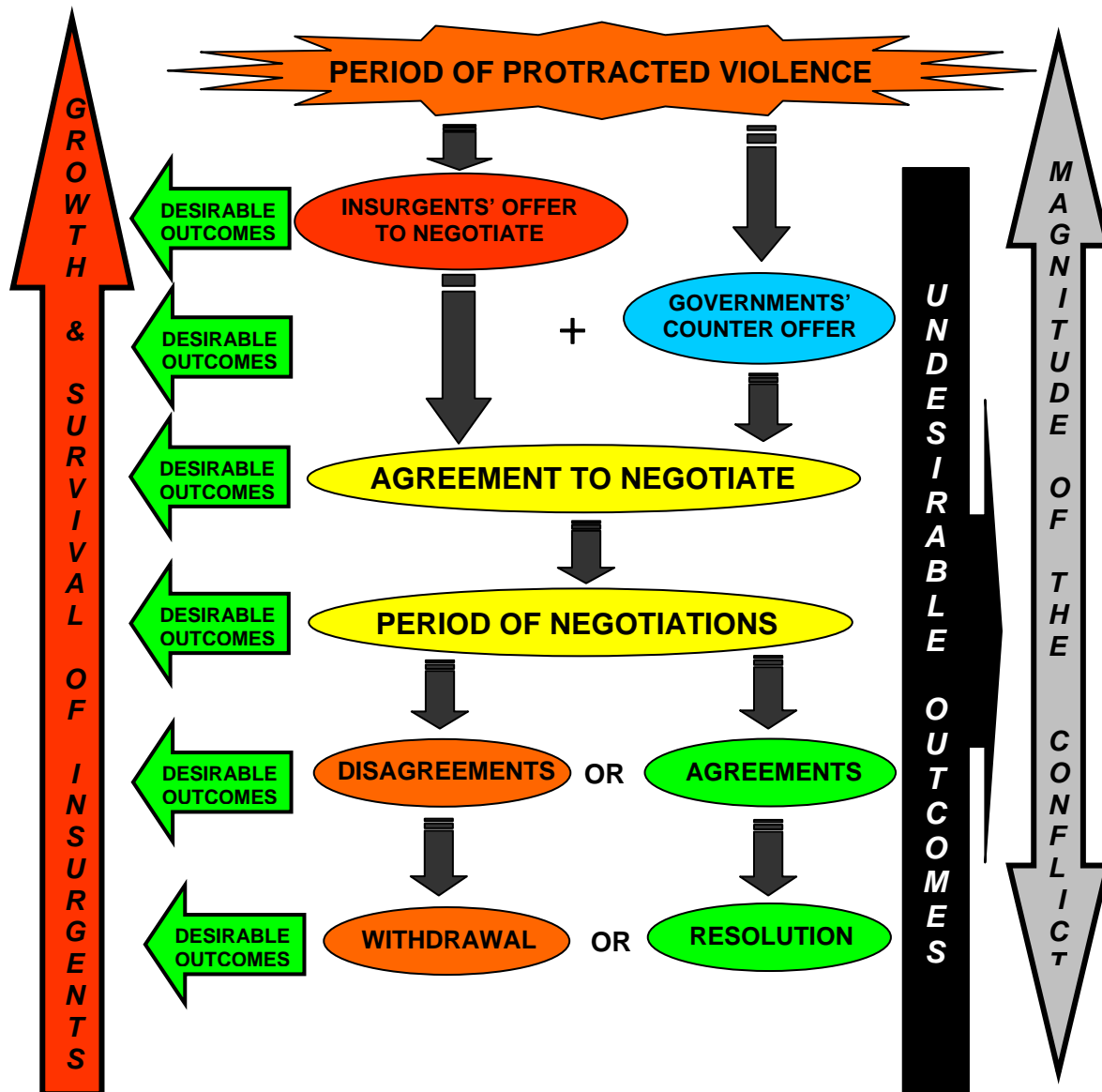


Figure 2. The Asymmetric Negotiations Model

The Negotiations Process

Both the government (resolving component) and the insurgents (protest component) are engaged in a two-pronged venture: fight when possible and negotiate when the fight is no longer possible. The paradox is that the insurgents are ostensibly involved in negotiations to resume hostilities later, if talks do not reach the final

settlement (desired end state) and when the own growth is adequate to survive and fight until the materialization of their cause or until the next round of negotiations.

Moreover, the nature of the “fight” is so asymmetrical that the government loses if it can not win and the insurgents win if they are not defeated since the insurgent’s victory is its very existence or survival to engage in the aforesaid “fight- talk- fight” cycle until the government (counterinsurgent) exhausts. The succession of “fight-talk-fight” cycle is energized and triggered by the effects of both external and internal factors. These factors influence the parties to make offers for negotiations and to make counteroffers for such offers or to continue hostilities if a mutual agreement to commence negotiations is not made. Generally, the suspension of ongoing talks occurs when the bargaining prices of parties are not proportional and/or when an agreement is not made either on the final solution or on further negotiations.

#### The Threshold of Negotiations

In most cases, the parties resume talks under certain conditions and to achieve several secondary goals other than the final agreement or settlement. The threshold of forcing or convincing parties to make offers and counteroffers for negotiations is basically their bear maximum capacity to react to the level of aggression that exists during a particular period of protracted violence. These reactions can be further manipulated by effects of certain external and internal factors. The effect limits are variable and are consequential to the time and the environment. Whenever, both parties reach a proportionately equal level of effects, a stalemate occurs, creating an environment conducive for negotiations.

### The Stages of Asymmetric Negotiations

Negotiations between the counterinsurgent and insurgents take place through successive stages as illustrated in the figure 2. As discussed earlier, always a period of protracted violence prompts any of the conflicting parties to make an offer for negotiations, which may be made either directly or indirectly through various ways and means such as the mass media, secret talks, formal correspondence, messengers, and mediators or facilitators. If the counter offer of one party is attractive for the other, there is a possibility of making a common agreement to negotiate. The resultant negotiations are conducted at mutually agreed places either with or without facilitators and/or mediators. The length and the period of time of these negotiations are some times determined as a part of the agreement, but always are secretly predetermined by each party if they have a BATNA.

The more complex the problem to be resolved, the longer is the period of negotiations. Furthermore, negotiations become difficult when there is no room for compromise, when there is nothing to bargain or trade off and when there are no competent spokespersons to represent either party. If the agreements made during the negotiations are stronger than the disagreements, both parties reach a final agreement ending the conflict. If there are serious disagreements that outweigh the limited agreements or the prospects of reaching a final agreement, the parties resort to withdraw from the negotiations process either to resume hostilities or to a status of no peace no war. The paradox is that both parties spend an equal amount of time during each of the above described stages, where unequal amounts of gains and losses are sustained due to various outcomes of those stages.

### The Outcomes

Regardless of which party initiates the offer to negotiate and whether any agreement is made or not, there is an array of successive outcomes that are relatively more advantageous and desirable for the insurgents than the counterinsurgent after each stage of the negotiations process. The uneven levels of growth and survivability that each party gains through various outcomes of the negotiations process determine how far or how long each party can sustain the armed conflict until the defeat of its opponent or the resumption of the next round of negotiations.

The minimum capacity that the insurgents can wage hostilities is also the bare minimum level of their survivability or the existence, which is crucial to successfully swing in the fight-talk-fight cycle until the attainment of desired end state. However, the basic question is whether the insurgents acquire proportionately more growth and survivability during the negotiations than the counterinsurgent or not. When the growth and survivability of the insurgents improve, their bargaining price or the walk away price also increases. Consequently, at a certain point, the insurgents reach a de facto parity of status with the government, where any solution short of secession becomes extremely difficult.

### External Factors

There are several external factors that influence the behavior of parties to a conflict-negotiations. Those include but are not limited to: (1) support from kin nations or “brothers” from neighboring or distant countries and allied nations, (2) diplomatic pressure or sanctions imposed by individual states or international/regional organizations, (3) the shoring up of both tangible and intangible values by diaspora in foreign soils, (4)



shifting trends in the international scene such as the post 11 September situation, (5) inescapable offers by one party for negotiations or cease-fire, (6) unilateral cease-fires declared by the other party, and (7) involvement of mediators or facilitators. Both positive and negative effects of these external factors create conditions for parties to either talk or fight.

### Internal Factors

On the other hand, there are numerous internal or domestic factors that prompt parties to alternate between fight and talk: (1) political issues, such as the lack of majority votes to implement agreements within each organization, implementation of pre-election manifestos once elected, break-away of parties from coalition governments, and division of executive and legislative powers between different parties, (2) economic constraints such as high inflation rate or budget deficit from the government's point of view and freezing or lack of foreign and local funds from the insurgents' point of view, (3) sociocultural issues, such as the loss of people's will to fight, escalation, or decline of violence and depopulation of areas under control, (4) natural causes such as catastrophic natural disasters or epidemics within the respective communities, and (5) attrition of combat power including conceptual (military doctrine and principles of war), physical (manpower, equipment, logistics, and training), and moral (leadership, management, and motivation) components, which are fundamental to military success.

### Goals and Benefits

While the government's goal as well as the benefits sought through negotiations is an end to the armed conflict with a reasonable or at least respectable solution to the

problem, the insurgents seem to have several different goals and benefits incorporated to their hidden agenda when coming to negotiate. Obviously, their goals and benefits are related to what they do not possess or at least what they want to improve, the power and status until the attainment of secession.

### The Alternative

Each party comes to negotiations with its own BATNA, which gives them the flexibility to walk away. The BATNA is a result of, and is proportional to the degree of, effects that certain internal and external factors brought to bear on the existence of insurgents as well as the credibility of the counterinsurgent. Generally, insurgents' BATNA is the unilateral resumption of hostilities while the government's is to wage counter insurgency war whilst administering the people. The irony is that a significant percentage of the expenses of both insurgent and the counterinsurgent are borne by the common budget of the conflicted state.

### The Sample Scenario Selected for Case Studies

The degree of change and the shifts in the LTTE's status quo from one round of negotiations to the other and the yield of its war effort subsequent to each round of negotiations were analyzed by using the above discussed model (see figure 2), as one of the primary measures to determine their growth and survival. This approach enabled the researcher to find answers for all secondary questions leading to a rational answer to the primary question. Finally, the analysis led to drawing of conclusions on how the LTTE has been able to take advantage of the negotiations to grow and survive through gaining of time and freedom of action to continue with a protracted war against the GOSL and its

armed forces in the quest of their desired end state, the establishment of a separate State of Tamil Eelam.

This analysis also focuses on the following areas: (1) the tools that the LTTE used to influence the government to accept its offers for negotiations, specific conditions that the LTTE decided to make offers for negotiations, (2) changing demands that the LTTE made prior to and during each round of negotiations, (3) the core issues and secondary issues that were changed from one round of negotiations to the other, 4) goals that the LTTE wanted to achieve through the negotiations, (5) agreements and scarifications made by both parties for the sake of continuing/resuming negotiations, 6) bargaining methods used by the LTTE; (7) the desirable outcomes that the LTTE gained through the entire process of negotiations as per the “asymmetric negotiations model” designed by the author, and (8) how those desirable outcomes contributed to the diplomatic, informational, military and economic growth of the LTTE and its survival.

Recommendations made in the chapter 5 will be applicable to many counterinsurgents in the contemporary world, who have been politically, militarily, economically, and even diplomatically trapped by the endless peace processes and suffering from the agony of the protracted war waged by separatist insurgents, who sometimes behave as classic terrorist outfits of global reach.

## CHAPTER 4

### ANALYSIS

Sanctions and negotiations can be very ineffective, and indeed foolish, unless the people you are talking with and negotiating with and trying to reach agreements with are people who can be trusted to keep their word.

Caspar W. Weinberger, *BrainyQuote.com*

The broad purpose of this research is to find how the separatist insurgents make use of negotiations for their growth and survival. Findings of the research lead to certain recommendations for the legitimate counterinsurgent to profitably engage in negotiations whilst denying the insurgents undue advantages during the lull of negotiations for their diplomatic, informational, military and economic growth and survival to wage a protracted war.

This chapter is divided into five parts. The first part outlines the history and the background of the internal conflict in Sri Lanka and the resultant negotiations between the GOSL and the LTTE. All four subsequent parts analytically discuss the negotiations or peace talks between the GOSL and the LTTE during the period 1985 - 2003. Primarily, the analysis focuses on how the outcomes of each round of negotiations benefited the LTTE for its growth and survival. This is achieved by using case study methodology as per the model described in the chapter 3 (see figure 2).

#### The History of the Internal Conflict and the Resultant Negotiations

Sri Lanka is an island nation with a population of about 19,007,000. As per the last island wide comprehensive census, about 73.95 percent of Sri Lankans are of Sinhalese descent. The largest minority groups are the Sri Lankan Tamils (12.71 percent)

and the Indian Tamils (5.51 percent), who together account for about 18.22 percent of the population while Sri Lankan Moors (7.05 percent), Burghers, Malays, and Veddas (the indigenous community) form the balance population (Sri Lanka Department of Census and Statistics 2003, 54-62).

Sri Lanka claims the world's second-oldest continuously written history--a history that chronicles the intermittent hostilities between two peoples--the Indo-Aryan Sinhalese or "People of the Lion," who arrived from northern India around 500 B.C. to establish magnificent Buddhist kingdoms on the north-central plains, and the Tamils of Dravidian stock, who arrived a few centuries later from southern India (US Department of the Army. 1990, xxvii). The peace and stability of the island were significantly affected around 237 B.C. when two adventurers from Southern India, Sena and Guttika, usurped the Sinhalese throne at Anuradhapura (US Department of the Army 1990, 11). A succession of intermittent invasions by the South Indian Tamils, who followed Sena and Guttika engraved a deep resentment and an anxiety among the Sinhalese people over Tamils which was restrained during the occupation of Ceylon (Sri Lanka) consecutively by Portuguese, Dutch, and British.

But within Sri Lanka's population of 18 million, the Tamil minority is sufficiently sizable to pose a potential threat, not in reality, but in perception, to the Sinhala majority. The fact that there are 55 million Tamils in Tamil Nadu, across the narrow Palk Strait, is a further consideration (Rotbeg 1999, 4). Nevertheless, it can be argued that the influence of south Indian Tamils is one of the most dominant external factors that shaped the internal conflict in Sri Lanka.

In accordance with British decolonizing policy after the Second World War, Ceylon (Sri Lanka) became a self-governing dominion on 4 February 1948, under the Ceylon Independence Act of 1947, while remaining a member of the British Commonwealth (O'Ballance 1989, 2). However, Sri Lankan independence can be viewed as the threshold of a new struggle according to Robert I. Rotbeg:

Because it was a relatively prosperous and peaceful, multi-ethnic independent nation (especially as compared to neighboring India and to Pakistan), Sri Lanka had been intended by its outgoing colonial rulers and its incoming indigenous leaders to become a model new state. But the gentle aura of the island was soon shaken. The 1948 constitution, written with little Tamil input and large amounts of wishful good feeling, lacked a bill of rights like India's or anything resembling effective formal protection for minorities. Within a year, the majority government deprived Upcountry Tamils of citizenship and the right to vote. Half of the Upcountry Tamils were forcibly repatriated to Tamil Nadu. (1999, 5-6)

Those issues pertaining to the Upcountry Tamils subsequently became one of the primary demands by the LTTE during the early episodes of negotiations with the GOSL. In general, however, the country was ruled between 1948 and 1956 by a government which continued the policies developed under the colonial rule. The official language of government was still English, and parliament was controlled by western-educated, western-oriented members of elite. Between them and the electoral masses a growing gap developed (Spencer 1990, 34). The first Sri Lankan Prime Minister D.S. Senanayake and his United National Party (UNP) ruled the country during this period.

The first major bump in both violence and rhetoric is usually attributed to the 1956 elections. The winning candidate, S. W. R. D. Bandaranaike, outraged Tamils by running on a pro-Buddhism and Sinhalese language platform and then, immediately upon election, introducing a bill to make Sinhalese the country's only official language. (Winslow and Woost 2004, 6). The next outbreak of violence, in 1958, was also sparked

off by the language issue (Spencer 1990, 35). Consequently, the question of official language also became one of the most significant issues that were discussed during the GOSL's early negotiations with various Tamil groups and the LTTE.

Subsequently, Mrs. Sirimavo Bandaranaike, the widow of former Prime Minister Bandaranaike, was elected to office in 1960. Mrs. Bandaranaike had to deal with and resolve certain issues pertaining to the Tamils that emerged during her husband's regime. The deadline for the implementation of the Sinhala language (January 1961) caused a civil disobedience campaign by Tamils, which included stoppages of work, and developed into direct action as government offices were picketed; Tamils refused to cooperate with Sinhalese government officials; and resisted the teaching of Sinhala in Tamil schools. The government declared a State of Emergency on 17 April 1961 in the Northern and Eastern Provinces, and emergency regulations, including curfews, were introduced, after which Tamil protests became violent (O'Ballance 1989, 3-5).

Thereafter, Sri Lanka signed an agreement with India to resolve the issue of Indian Tamils in Sri Lanka. Under the Bandaranaike-Shastri Pact (30 October 1964), it was agreed that Ceylon would grant citizenship to about 375,000 Indian Tamils and that India would accept 425,000 back as repatriates. Tamils protested that many of the Indian Tamils due to be sent to India had been born in Ceylon, had no home in India, and were being forcibly repatriated (O'Ballance 1989, 4).

Tensions between Sinhalese and Tamils rose. In 1974, after police killed 11 people at an international Tamil conference, the northern Tamil city of Jaffna was the scene of days of rioting. Finally, in 1976, the major Tamil opposition party, the TULF, called for a constitutional change to create a Tamil homeland. During the national

elections the following year, which replaced Mrs. Bandaranaike with J.R. Jayawardene and liberalized economic policies, anti-Tamil rhetoric reached new heights. The summer of 1977 was marred by weeks of Sinhala/Tamil violence (Winslow and Woost 2004, 6).

In addition to the political disputes among the Sinhalese and Tamil politicians, there had also been a significant growth of violence instigated by various militant groups that emerged in mid 1970s. John Richardson, who conducted an in depth research on Sri Lankan conflict and wrote the book *Paradise Poisoned*, distinctly recalls a chronology of events that took place to this effect:

January 1975. The Ealam Revolutionary Organizers (later the Ealam Revolutionary Organization of Students – EROS) was formed in London and demonstrated publicly for an independent state in Sri Lanka.

July 1975. Alfred Duriappah, the SLFP affiliated Mayor of Jaffna, was shot and killed by Veluppillai Prabhakarn, future leader of the LTTE.

March 1976. Under Prabhakaran's leadership, a gang of Liberation Tigers robbed the state-owned People's Bank Office at Puttur near Jaffna, escaping with about 500,000 rupees in cash and jewelry valued at 200,000 rupees. The notoriety enabled Prabhakaran to recruit a small band of followers, who initially called themselves Tamil New Tigers (TNT). (2004, 299)

By 1978, Tamil youth had broken away from the TULF to act independently as the Liberation Tigers of Tamil Ealam and pursue the goal of Ealam through force. In 1979, the government passed a Prevention of Terrorism Act, which gave the government broad powers to arrest and hold suspects. Jayawardene declared a state of emergency and sent the Sri Lankan Army to the Jaffna peninsula, where army violence soon became commonplace (Winslow and Woost 2004, 6-7).

Consequently, President Jayawardene appointed a commission to propose a political solution to satisfy the grievances of Tamils through limited devolution of power to councils elected at district level. The commission's report of February 1980 became



the basis for instructions to the legal draftsman, and by August 1980 Parliament had passed the necessary legislation authorizing creation of the councils. Time, however, was not on the side of the moderates either among Tamils or the government. Unfortunately, implementation of the district development councils was hampered when budgetary controls required by the World Bank and International Monetary Fund (IMF) in 1980-81 to curtail runaway expenditures had unforeseen political consequences (Zartman 1995, 41). This provides an example on how the external factors or the actions of non state actors could affect the fate of an internal conflict.

There had also been an element of violence associated with the process of institutionalizing District Councils as per the summary of incidents found in Edgar O'balance's book *The Cyanide War*:

Elections for new District Councils, in June 1981, were boycotted by the SLFP, LSSP and JVP, but TULF candidates participated in some areas, winning Jaffna District. The previous month in the run-up to the election, a UNP candidate had been killed by Tamil Tigers for opposing TULF candidates; and in a scuffle on 1 June, a policeman was killed and three others injured at an election rally. In response, about 100 policemen in Jaffna went on rampage, burning Tamil property and looting...Later on 28 July, a group of Tamil Tigers raided a police station near Jaffna, killing a police inspector, injuring three other policemen, and making off with arms, ammunition, and uniforms. (O'Ballance 1989, 18)

However, those isolated incidents became more and more frequent and hostile as a period of protracted violence was ensuing in Sri Lanka. This situation induced the GOSL to conduct its counter insurgency efforts through a whole new course of action.

#### Case Study One: Thimpu Talks from July 1985 to August 1985

The growing violence that was experienced in early 1980s was turning a new page in the history of Sri Lanka since the GOSL opted to open dialogues with insurgents as it could not make much progress militarily due to mounting pressure and intervention

by the government of India. As it was highlighted earlier, the Indian factor has been seriously affecting the scope and the outcomes of the insurgency in Sri Lanka and paved the way for the first ever negotiations between the parties to conflict in Thimpu from July 1985 to August 1985.

### Period of Protracted Violence

In July 1983, Sri Lanka's soldiers, sailors, and police officers fighting militants in Jaffna and Colombo faced the most ever outbreak of mob violence in the island's history. On the night of 23 July, a near-inevitable scenario unfolded. The reconnaissance mission of Sri Lankan Army patrol "Four Four Bravo", close to Jaffna University, was halted by a land mine explosion and fusillade of automatic weapons fire. Tamil Tiger Supremo Velupillai Prabhakaran orchestrated and personally led the ambush. Thirteen of 15 Sinhalese soldiers assigned to the mission were killed (Richardson 2004, 523-524).

This incident triggered communal violence in the south where, the minority Tamil population was the target of an angry and beleaguered Sinhalese community, who experienced the largest ever attack on the island's army after the British incursions in the nineteenth century. John Richardson further describes the events that took place during the infamous "Black July" of 1983:

The events of fateful Sunday evening precipitated a week of rioting. It ebbed and flowed through Colombo's business and residential districts and spread to neighboring regions, including plantation districts. Most victims were Tamil families, who had lived and worked peaceably alongside Sinhalese neighbors for decades and had little sympathy for the Ealamist agenda of Jaffna militants... Not all Sinhalese were rioters. Many risked their lives and homes to protect Tamil friends and neighbors from the mobs... With some exceptions, Sri Lankan military and police forces did little to restore order or protect Tamil citizens. Soldiers in particular were seen to be encouraging the rioters or even actively participating in mayhem... As the week unfolded, graphic accounts of these events began appearing. By the time violence subsided on 31 July, at least 60,000 Tamils had

become refugees. Later the number swelled more than 100,000 including a substantial number that fled to India. Sri Lanka's reputation was transformed from paradise to pariah in the space of the week. (2004, 525).

The inability or unwillingness to protect Tamils in 1983 encouraged new recruits to join the Tamil militants and violent attacks by guerilla groups accelerated. Direct attacks against Sinhalese civilians by Tamil terrorists began in late 1984 (Hannum 1996, 291). In the meantime, Tamil militants gradually orchestrated and executed their hidden agenda to provoke Sinhalese community against the innocent Tamils. It was mainly to pave way for them to commence a depopulation process among the Sinhalese and Muslims in the North and East under the guise of taking revenge of the Black July riots. As a result of growing violence and external pressure, President Jayawardene summoned an All-Party Conference (APC) to discuss the possibilities for devising a political solution.

The APC, in which all the recognized political parties participated, including the TULF and several Sinhala-Buddhist religious and nonpolitical organizations, met in three rounds in 1984. The substantive issue before the APC was the devolution of power to local units. However, the proposed regional councils, which would replace the existing District Development Councils (DDCs) and enjoy a fair degree of autonomy, faced strong opposition from the Sinhalese Buddhists who were in no mood to concede anything beyond the DDCs. As ethnic violence intensified on the island, the Sri Lankan government dissolved the APC in December 1984 (Rao 1988, 422-423). However, the APC marked the history of the conflict with the first ever occasion where some form a discussion was held among multiple political parties to seek a political solution creating conditions for further negotiations with the Tamils.

An LTTE massacre of Sinhalese civilians in the ancient capital city of Sri Lanka and popular tourist site, Anuradhapura, in 1985 was the landmark incident of LTTE's belligerency against average Sinhalese people. This incident demonstrated that Sinhalese civilians were no longer safe in their own heartland as a total of 146 were killed in the carnage (Richardson 2005, 530). In a joint press release on 11 April, announced the formation of what became known as the April Alliance of the Ealam National Liberation Front (ENLF), between LTTE, EPRLF, TELO, and EROS (and excluding PLOTE) to coordinate their efforts in their "revolutionary struggle for independence". (O'Ballance 1990, 49).

This period of violence was extremely unbearable for the GOSL as it came under immense pressure of three different socio-politic, diplomatic, and military issues: (1) the grievances of Sinhalese, who could not bear the agony of growing atrocities of the Tamil militants; (2) besmirched reputation portrayed in the eyes of international community by the exodus of Tamils, who emigrated to India, the Americas, and Europe as refugees or asylum seekers; and (3) the defense services' failure to effectively curb the violence.

Consequently, the GOSL was coerced to opt for a bitter but inevitable alternative; negotiations with the Tamil militants and the TULF since it had to be responsive to the grievances of its people as well as to the proposals from the international community, particularly the government of India. At last, the conflicting parties agreed to come to negotiations table due to the effects of aforementioned factors. In June 1985, through the "mediation and good offices" of India, the GOSL and the Tamil militant groups agreed to a cease-fire as a preliminary to peace talks (Hannum 1996, 291). The Indian intervention

to the conflict clearly portrays how an external factor critically affects both the insurgents and the counterinsurgent during an internal conflict.

#### Offers and Counteroffers for Negotiations

Neither the GOSL nor the Tamil groups made any offers or counteroffers in favor of talks whereas the government of India played the role of a coercive mediator as it was discussed earlier. In contrast, there were several demands made by the Tamils prior to making an agreement to talk. In response, the GOSL took some conciliatory steps to ease off the tension and to counter the unrealistic demands made by the Tamils. However, these steps, from the insurgents' point of view, were undoubtedly favorable outcomes of the GOSL's response to the Indian brokered talks.

Both President Jayawardene and the Tamil Five Leaders were persuaded by India to observe a three month cease-fire from 18 June 1985, preparatory to the holding of a conference. The Tamils first demanded an end to the prohibited surveillance zones, that the army be sent back to barracks, that road blocks be removed, and an international enquiry held into alleged atrocities committed by the security forces in Sri Lanka. Some of these demands were played down as all parties were in favor of the proposed conference. In Sri Lanka curfews were lifted, 643 Tamils in detention under the Prevention of Terrorism Act were released, and some railways and roads were reopened (O'Ballance 1989, 50).

#### Agreement to Negotiate

The aforesaid cease-fire was soon to be followed by an agreement by both the GOSL and the Tamil insurgent groups to start a fresh round of negotiations to seek a

political solution to the conflict. The GOSL's agreement to talks was the result of an agreement by the Indian government to take more effective measures to curb Tamil militant activities on its soil and the flow of arms from India to Sri Lanka, while Sri Lanka promised to keep its army under strict control (Rao 1989, 426). This was the first time that Sri Lankan government had agreed to direct negotiations with militant groups (Kadian 1990, 75). Consequently, the credibility and the recognition of established Tamil political parties were gradually declining, allowing the insurgents to fill the resultant political vacuum within the Tamil community.

In July 1985, under intense Indian pressure the guerillas, too, came to the negotiation table for the first time. At Thimpu, four groups of militants united as ENLF. In addition PLOTE, the TULF, and the governments of India and Sri Lanka were represented (Kadian 1990, 75). Thirteen representatives of the GOSL led by the then Sri Lankan President J.R. Jayewardene's brother, H.W. Jayawardene, met with a thirteen-member Tamil delegation consisting of three representatives of the TULF and two representatives from each of five major Tamil guerilla groups in Bhutanese capitol of Thimpu in July and August 1985. Five representatives of the Indian government also attended the talks. The five Tamil militant groups objected to use of the term "Tamil political leadership" to describe the TULF and the terms "militants" or "terrorists" to describe their organizations. They claimed that they were "authentic political organizations representing aspirations of our people" (Hannum 1996, 291).

#### Period of Negotiations

This round of negotiations was essentially a result of the mediation by the Indian government. P. Venkateshwar Rao, an associate professor of Political Science at Osmania

University, Hyderabad, India, in one of his articles to the journal *Asian Survey* has summarized the proposals that were brought to the negotiations table during the first round of talks that was concluded on 14 July 1985:

Sri Lanka came to Thimpu with no fresh proposals; the terms offered were not much different from those offered at the All Party Conference in 1984. A District Council headed by a chief minister to be nominated by the president, was proposed as the basic unit of devolution. It would hold only limited legislative powers, and the entire territory of Sri Lanka would be divided into 24 districts. The Tamil side presented Four Principles, which in comparison with the offer made by the Sri Lanka team, appeared to very far-reaching. The Four Principles demanded: (1) recognition of Tamils as a distinct nationality; (2) establishment of a homeland comprising the Tamil-populated areas; (3) the right of self determination as a Tamil nation; and (4) the right to full citizenship of Tamils living in Sri Lanka. (1988, 427)

Conversely, the GOSL did not agree with the demands, albeit it agreed to meet again during a second round of negotiations. The Thimpu Talks were resumed on 12 August, when the president rejected the Tamil Five's demands, and also refused to merge the Northern and Eastern Provinces, as India would have liked. On 22 August the Tamil representatives suddenly walked out, accusing the Sri Lankan government of breaking the cease-fire, and of negotiating in bad faith, as it was preparing for war (O'Ballance 1989, 51). Even though the Indian government took some punitive measures against the insurgents due to her disappointment with the failed talks, the insurgents were prepared for the next offensive. John Richardson, in his book *Paradise Poisoned*, describes certain other outcomes of the of peace talks in 1985 that became favorable to the LTTE:

Unproductive truces used by the Tamil militants to rebuild their strength were another pattern. The first began on July and ended in September 1985. Sri Lanka's army detachments ceased offensive operations and remained in their encampments. This stand down was intended to provide a favorable background for Indian-brokered negotiations between Sri Lankan government officials and militant representatives in Bhutan's capital, Thimpu. But while talks proceeded, LTTE carders laid land mines and erected barriers on roads leading from the encampments, severely limiting the Army's mobility. When the truce and talks

ended unproductively, LTTE hit squads were in a much stronger position to attack Sinhalese civilians. By decimating rival groups, they established themselves as the dominant Tamil force. (2005, 530)

During the cease-fire period (June-August), the security forces disappeared from the Jaffna streets, and did not appear. The “Boys”, who are youthful Tamil militants under usually well-educated leaders, had taken their place and were vying with another existence, authority, and money. The large Tamil insurgent groups were busily organizing protection rackets in their own particular areas and trying to dragoon the population into their form of political resistance, their leaders meeting, and living, in safe houses, guarded by armed guerrillas and with escape routes in the rear. (O’Ballance 1989, 51-52).

#### Agreements and Disagreements

The talks held in July and August made some progress. Agreement was reached on issues of law and order, the judiciary, and the devolution of financial powers to the provinces. No consensus could be reached on other key issues such as land settlement and control over fishing harbors in Tamil areas, and the Sri Lankan government remained as firmly opposed as ever to a single Tamil linguistic unit. The militants were assured that no final settlement would be reached without consulting them. When the Colombo proposals on provincial councils were presented to the militant leaders in October, all were rejected as “inadequate.” The LTTE insisted that “for any meaningful political settlement, the acceptance by the Sri Lankan government of an indivisible single region as the homeland of the Tamils is basic” (Rao 1988, 429)

Nevertheless, the LTTE gained one of their principal demands included in the Four Principles that they tabled in Thimpu, the citizenship issue. In January 1986



Jayawardene honored the commitment made in Thimpu to give citizenship to 94,000 stateless Tamils (Kadian 1990, 76).

### Withdrawal

As the Tamils unilaterally withdrew from negotiations on 22 August 1985, there had been several changes taking place on ground through January 1986. In May, a major change was in the offing. It began with the LTTE members in Madras trying to kill the TELO leader Sri Sabharatnam. In the fighting that followed about 150 guerrillas, most of them from TELO, lost their lives and the control of Jaffna town changed hands, from PLOTE and TELO to LTTE. During the same month EROS blew up a civilian airliner in Colombo; fourteen died. The LTTE did not confine itself to fighting other Tamil groups; it also sank a Sri Lankan naval gunboat off Jaffna (Kadian 1990, 77).

Tamil guerrillas also claimed that the moderate TULF no longer represented the Tamils in the north, and, given the increasing armed attacks by these groups, it soon became clear that a peaceful settlement could not be reached without their participation.

The book *Foreign Military Intervention: the Dynamics of Protracted Conflict*

summarizes these outcomes:

Now, no Tamil representatives remained in the political process. In the coming years, many of these moderate Tamil politicians would be killed by the militants. The Liberation Tigers of Tamil Ealam (LTTE or “Tigers”), which emerged as the most effective Tamil guerilla organization, would be their chief adversary. Estimated at between 200 and 700 in 1983 the number of Tamil militants had risen to between 2,000 and 10,000 by 1985. (Levite, Jentleson, and Berman 1992, 213)

### Conclusion

The outcomes of the first ever negotiations held in Thimpu can be highlighted as a major leap forward for the LTTE as far as its growth and survival are concerned. The

GOSL's agreement to negotiations alone became fundamentally advantageous for the insurgents since the GOSL literally accepted that the militants also had something to do with the representation of Tamil people's grievances. As a result, the insurgents, who were discarded and proscribed as illegal terrorist outfits, gained an undue status and recognition as credible representatives of Tamil people. The GOSL's subsequent grant of citizenship for about 94,000 Indian Tamils is also a major outcome that became favorable for the militants as they could win the hearts and minds of the Tamil community for being able to succeed a demand, which the TULF alone could not do for years.

Moreover, the GOSL's assurance for not reaching any final settlement without the consultation of militants can be quoted as the most significant outcome of the limited agreements made during the talks that became favorable to the insurgents as it gave a virtual parity of status among the legitimate Tamil political parties. On the other hand, the presence of Tamil guerrillas in Thimpu drew the attention of the international community on their grievances.

Those events that took place in Sri Lanka while the talks going on in Thimpu can be indisputably stated as obvious outcomes of the period of negotiations that favored the LTTE and other insurgent groups as they could maximize the combat power by preparing new defenses and building their cadre whilst denying the freedom of action to the government forces.

Moreover the infighting that took place among insurgents can be highlighted as an outcome that was extremely desirable for the LTTE as it could increase its combat effectiveness whilst crushing the rival militant groups and rendering the future operational capabilities of the GOSL forces ineffective. The LTTE was also able to

increase its combatants through new recruitments and through amalgamation of cadre from losing groups when they disengaged from Thimpu Talks. In view of the above facts, it is not an exaggeration to state that the LTTE, which had suffered from an array of issues and threats from the GOSL, TULF, Indian authorities, other militant groups, and the Tamil community, was able to advantageously make use of the whole period under Thimpu Talks process for its growth and survival.

#### Case Study Two: Peace Talks in Colombo from May 1989 to June 1990

The period after failed Thimpu talks was extremely volatile in the history of Sri Lanka. At the end of 1985 there were private negotiations between the Sri Lankan government and the more moderate TULF spokespersons, who now pressed for a federal solution to end the conflict. The government, for its part, was unclear just what portion of the militant movement the TULF represented (Zartman 1995, 47). However, no sign of a lasting compromise between the GOSL and the LTTE was perceptible for next four years but only a period of unbearable violence was seen in the Island.

#### Period of Protracted Violence

In 1986, an Air Lanka aircraft was destroyed at Katunayake International Airport. The Tamil demand for a separate state, rather than for some degree of lesser autonomy, became stronger as the scale and frequency of violence has increased on both sides (Spencer 1990, 38). However, the GOSL also engaged in negotiations with the Indian government and secret limited talks with the LTTE, although no agreement was made. For the LTTE, as for the government, the Bangalore discussions and the prelude to these had been a period of disappointment and confusion. There were, of course, advantages

flowing to Prabhakaran from his presence in Bangalore. The LTTE was the only Tamil political group invited to discussions, a tacit recognition of its position as the principal political party of the Sri Lankan Tamils (De Silva 1995, 201-202). However, those secret talks with various groups and the negotiations with the government of India can not be attributed as a significant phase of negotiations due to two reasons: (1) by this time, neither the LTTE nor the other Tamils group played the role of the primary conflicting party and (2) the armed conflict was not ceased facilitating a bilaterally agreed peace talks.

The period following these failed talks marked the continuation of unbearable violence. K. M. de Silva, an eminent scholar in the subject of conflict resolution, in his book *Regional Powers and Small State Security: India and Sri Lanka, 1977-90*, provides an insight to the conflict from 1987 until the next round of negotiations in 1990:

The LTTE's overtures during the last two weeks of December 1986 proved to be no more than diversionary tactics to gain time. Prabhakaran's return to the island early in January 1987 marked the beginning of a more activist and violent phase in the ongoing conflict between the Tamil separatist groups led by the LTTE and the Sri Lankan Forces. It was evident that the LTTE was intent on scuttling the agreement that the two governments were on the verge of implementing. A unilateral declaration of independence in the north and east of the island was regarded as the most effective means of doing it...The Sri Lanka government's response was predictably tough. In an attempt to preempt a unilateral declaration of independence in any form whatever, the government sent troop reinforcements into the Eastern and Northern provinces with instructions to clear these areas of the LTTE and other separatist groups. Contrary to expectations, the LTTE forces did not put up much of fight. Their retreat was anything but orderly. They fled to the Jaffna peninsula in considerable disarray. (1995, 205-206)

In the mean time, the government of India continued to intervene with the GOSL's military actions through formal correspondence pressuring President Jayawardene to stop the security operations in the north and east and lift the economic

embargos imposed on the same area. Gandhi ((Indian Prime Minister Rajiv Gandhi) conveyed the LTTE's position to Colombo and appealed once again for an immediate lifting of the Jaffna blockade; Jayawardene responded on 10 April by declaring a ten-day unilateral cease-fire (Rao 1988, 432). The LTTE ended this truce dramatically, by massacring 130 bus passengers in the Eastern Province and then bombing Colombo's central bus stand, killing more than 100 and injuring more than 200. Sri Lanka armed forces responded with 'Operation Liberation', a surprisingly successful offensive intended to cut off smuggling routes from India and ultimately wrest control of Jaffna from the Liberation Tigers. By now Sri Lanka's government had escalated the level of conflict by acquiring a small air force, which it used effectively against militant forces, though with heavy civilian casualties (Richardson 2004, 531).

Once again, an external factor was distressing the GOSL's plans as the government of India objected to ongoing military operations precipitating further anxiety and tension into the violent situation being escalated. P. Venkateshwar Rao articulates these events took place during the month of June 1987:

On June 3, India sent relief supplies to the people of Jaffna in a flotilla of 19 fishing boats flying the Red Cross flag. Colombo rejected the supplies and blocked the Indian flotilla's entry into Sri Lankan territorial waters...In a drastic move on 4 June, five Indian Air Force planes escorted by Mirage 2000 fighter jets entered Sri Lanka's airspace and dropped relief supplies in and around Jaffna. Sri Lanka condemned the Indian Operation Eagle as a "naked violation of our independence" and an "unwarranted assault on our sovereignty and territorial integrity." However, the Colombo lifted the six month-old embargo on Jaffna and ceased military operations. (1988, 433)

The GOSL, due to obvious disparities between its capabilities and that of the hegemonic India, could not militarily react to this blatant violation of Sri Lanka's sovereignty. This demonstration of Indian power against a small neighbor achieved a

number of objectives that those who planned these operations had set themselves. It had stopped the Sri Lanka Army's campaign in the Jaffna peninsula after the Vadamarchchi expedition (Operation Liberation); it saved the LTTE from any further weakening of its military strength; and above all it reduced the Sri Lanka government to political impotence in regard to its initiatives on the Tamil problem. In the rest of the country the mood was less anxiety over a long war of attrition in the north (there was less anxiety about the eastern coast) (De Silva 1995, 219).

However, the GOSL had to cooperate with the Indian government and entered into the controversial Indo-Sri Lanka Peace Accord (amidst strong opposition by the Sinhalese and a faction of politicians), as Prime Minister Gandhi became tired of Prabhakaran and the LTTE after weeks of failed negotiations and discussions to solve the conflict. An abstract of the details pertaining to the Peace Accord is found in P.

Venkateshwar Rao's article published on the *Asian Survey* magazine:

Following renewed diplomatic activity between India and Sri Lanka, Gandhi and Jayawardene signed an agreement on July 29, 1987, in Colombo embodying these principle points: an immediate cease-fire, effective within 48 hours after signing the agreement, with surrender of arms by Tamil militants and withdrawal of the Lankan army to its barracks within 72 hours of the cease-fire; combination of the Northern and Eastern provinces into a single administrative unit with an elected provincial council, one governor, one chief minister, and one board of ministers; a referendum to be held not later than December 1988 in the Eastern Province to decide whether it should remain merged with the Northern Province as a single unit; and elections to be held before December 1987, under Indian observation, to the Northern and Eastern provincial council. The agreement also committed India to assist Sri Lanka militarily if the latter requested such assistance in implementing its provisions. (1988, 434)

Nevertheless, this part of the chapter does not intend to conduct an in-depth analysis on the Indian Peace Keeping Force's (IPKF) failed military campaign to crush the Tamil militant groups in the North and East at the invitation of the GOSL during the

period between July 1987 and summer of 1989. Moreover, the management of Tamil insurgency was principally out of the GOSL's control due to its efforts in combating a Sinhalese revolutionary movement called the Janatha Vimukthi Peramuna (JVP) elsewhere in Southern Sri Lanka. However, it was a period of protracted violence at the end of which the LTTE resorted to open direct dialogs with the GOSL.

In conformity to the Peace Accord, within few days, the IPKF was sent to take an *effective control* of the counter insurgency in Sri Lanka although the presence of such a formidable force could not shatter the LTTE's cohesion or the will to fight. Within six weeks the LTTE attacked the IPKF. In order to live up to its commitment to implement the accord, the Indian force had to take Jaffna. It did so with severe loss of life among both troops and civilians, and with much damage to houses and official buildings. In the course of subsequent conflict between the IPKF and the LTTE, the Indian Force swelled to at least 60,000 men (Zartman 1995, 52).

The landmark date customarily cited as signaling an irrevocable breakdown of the accord is 4 October 1987. Seventeen LTTE cadres were captured by Sri Lanka's navy while attempting to smuggle arms into Jaffna, in violation of the accord. Inexplicably they were able to receive smuggled cyanide capsules and 12 committed suicide while awaiting transport to Colombo. The LTTE responded with a ferocious attack that killed more than 200 Sinhalese. Many of these ill-fated men and women had recently traveled to the northeast, hoping to build bridges between two communities (Richardson 2004, 533).

As days, weeks, and months passed by, the fate of all other agreements deteriorated too. The LTTE resorted to fight its own war since the other Tamil militant

groups were now in a coalition with the IPKF. Liberation Tiger forces were driven from Jaffna in an assault backed by tanks and artillery that caused nearly 2,000 civilian deaths. In the east, IPKF troops were supported by militant groups that had opposed the LTTE and a population, including Muslims and Sinhalese that was not anxious to become citizens of a Jaffna-dominated Ealam (Richardson 2004, 534). The degree of violence that was precipitated in July 1989 was unbearable to both the LTTE and the Tamil population alike. On the other hand, an end to violence or a definite victory for either the LTTE or its overwhelmingly superior opponent, the IPKF was not in the near sight:

Sadly, since these words were penned the situation in Sri Lanka has gone from bad to worse, while prospects for the future seem even more dismal. The IPKF has been unable to defeat the Tamil Tigers, which have gathered strength, and emerged from their jungle lairs to wage guerilla warfare against both the IPKF and the Tamil Four groups (EPRLF, EROS, PLOTE, and TELO). It is said that since July 1987, over 5,000 Tamils, insurgents and civilians alike, have lost their lives in this deadly struggle, and another 3,000 languish in detention...It (IPKF) holds the northern and eastern parts of the Island virtually under martial law conditions, acting without reference to the Colombo government. The LTTE demand that the IPKF be withdrawn. (O'Ballance 1989, 128)

However, the period of IPKF occupation can be considered as an indispensable episode of the protracted violence in Sri Lanka, where the island's executive power was also transferred to a different leadership, creating conditions for a fresh round of negotiations. As a result of the Peace Accord, the LTTE gained a number of advantages:

Prabhakaran decided to make a token gesture, and on 4 August, at Palaly air base, one of the designated arms collection centers, a small detachment of Tamil Tigers, led by 'Yogi', handed over about 300 weapons, mainly of an older and heavier variety, including home made mortars, rocket launchers and machine-guns...The following day, the first batch of 500 Tamil suspects was released from detention, and another detachment of 900 soldiers was moved southwards, still leaving 3,000 behind in barracks and camps. On 10 August, a second batch of 800 Tamil suspects was released from Boossa Detention Center, to be sent northwards by sea. (O'Ballance 1990, 94)



The LTTE was the principal beneficiary of the Indian government's shortsighted and hasty attempt to establish the TNA as a military arm of the EPRLF. First it enabled the LTTE to coordinate an anti IPKF policy with government of Sri Lanka, who, not to be out done by the Indians' lack of forethought, was persuaded to let the LTTE bring in arms from abroad, through Colombo, allegedly to meet the threat from the Tamil National Army (TNA), established and fielded by the IPKF. Second, the TNA eventually succumbed to the LTTE without firing a shot. The LTTE gained access to weapons from two sources: the IPKF and the Sri Lankan government (De Silva 1995, 317).

On the contrary, the LTTE was now facing a new threat; that of its former allies or peer insurgent groups, who gave up fighting. By 1989, practically all of the separatist factions dissociated themselves from the LTTE, and some were even cooperating with the Sri Lankan government militarily to deat the Tigers, who had used force to eliminate many of their Tamil separatist rivals, even gunning down EPRLF leaders at a meeting in India (Esman and Herring 2001,133).

#### Offers and Counteroffers for Negotiations

As the violence during the IPKF occupation reached its climax, newly elected president Ranasinghe Premadasa was also coming under enormous pressure from Sinhalese, who demanded the withdrawal of IPKF as the Indian government had established a provincial government with the EPRLF for the north and east, which was strengthened by creating the TNA. Large quantities of weapons, including light artillery, were supplied to the TNA. The Sri Lankan authorities, civil and military, were aghast at this new development, but their protests against establishing the TNA and arming it were not heeded (De Silva 1995, 316).

By this time, the President Premadasa and the LTTE were secretly making offers and counteroffers to commence negotiations. On the other hand, the LTTE had been acutely weakened and outnumbered but not defeated or crushed during the 18-month long military campaign of the IPKF. It was for that reason that the LTTE had begun saying openly in 1989 that it would be willing to negotiate with Premadasa if the IPKF were withdrawn from Sri Lanka. The president agreed for a number of reasons, not the least of which was that he had been opposed to inviting the Indians into the country in the first place (Singer 1991, 141).

#### Agreement to Negotiate

An ideal situation was developing for talks between the GOSL and the LTTE based on a common interest to see that the IPKF is withdrawn at any cost. Despite all this, the LTTE was driven to the bargaining table because of a perceived weakening of its military strength, sapped in the course of a long debilitating struggle against the IPKF. Had the LTTE not reached an understanding with the Premadasa government after April 1989, the IPKF would have gone on to weaken them further, and may perhaps even eliminated the LTTE leadership before leaving Sri Lanka (De Silva 1995, 320). It was a major gamble for Premadasa to agree to ask the Indians to leave in return for LTTE agreement not to declare an independent homeland and not to resume the war of independence (Singer 1990, 141). Judging their public statements, the LTTE trusted President Premadasa. They had demonstrated their goodwill by officially registering themselves as a political party and publicly reiterating that they would welcome elections and enter the democratic process (Bercovitch 1996, 161).

For much relief of the LTTE, the IPKF left the Island in response to President Premadasa's relentless appeals from the government of India. By the end of the operation, 1,150 Indian soldiers and officers had been killed. The IPKF had withdrawn from Sri Lanka by 31 March 1990, its operation ended in complete failure. As peace keeping force withdrew, all the areas it had occupied in the northern and eastern regions reverted to the control of the LTTE (Rotbeg 1999, 25).

### Period of Negotiations

While the IPKF was still in Sri Lanka, the Sri Lankan government opened negotiations with the Tamil Tigers. These negotiations lasted nearly a year and a half; in the end the government offered the insurgents virtually everything they asked for except *de jure* independence. This offer, too, the insurgents eventually rejected, shortly after the Indian departure (Zartman 1995, 53). According to Bradmon Weerakoon, advisor to President Premadasa on international relations, the government made several gestures during the negotiations. These gestures included 'the permission for the LTTE delegates who came to Colombo to have their own armed security, allocation of an entire floor of a five star hotel in Colombo, a secret supply of money and weapons to the LTTE to fight IPKF, arrangements for Prabhakaran's wife and children to be brought from abroad and flown to the Wanni and Premadasa conceding the demand to publicly call for the IPKF to leave the country (Herath, R. B. 2002, 63).

The LTTE also continued its fundraising ventures encompassing both local Tamil community and the Tamil diaspora in foreign countries. In addition, the families who owned businesses or properties, or who had a son or a daughter abroad, had to pay additional taxes. In 1990, families were required to pay 50,000 rupees for the first family

member abroad and 25,000 rupees for each additional person resident overseas (Ballentine and Sherman 2003, 211).

### Agreements and Disagreements

There had been no significant agreements made during the negotiations due to certain shortcomings that prevailed from the outset of the process. At no time did the LTTE leader Prabhakaran or President Premadasa meet and attempt to consolidate any developing mutual trust. Misunderstandings could have been avoided if there had been adequate machinery to accelerate the peace process and a group of officials in charge of sustaining its implementation. The absence of such a body was felt when hostilities suddenly erupted and there was no way to monitor and act on cease-fire violations (Bercovitch 1996, 162). After the IPKF left the country, the LTTE put forward two demands; 1) the dissolution of the North and East Provincial Council, and 2) the repeal of the Sixth Amendment to the Constitution. When the government rejected the two demands, the LTTE abandoned the negotiations and once again resumed its protracted separatist war in June 1990 (Herath 2002, 63).

### Withdrawal

The second round of negotiations also reached its culmination as there were more disagreements than agreements being made between the parties, who had even direct dialogs unlike in the previous occasion in Thimpu, where several parties involved talks including a mediator. Jacob Bercovitch, in his book *Resolving International Conflicts: the Theory and Practice of Mediation*, articulates some of the reasons that prompted withdrawal of parties from the negotiations:

By May 1990, suspicions had become more manifest and statements by both sides more acrimonious. Some of the issues generating misunderstanding and tension were the ambiguity of the policy for disarming guerilla forces; the opening of discussions with one of the LTTE's rivals, the EPRLF; delays in the holding of referendum on merger of the northern and eastern provinces and the legal difficulties in dissolving the existing government in the eastern province; the manning of police stations and the redeployment of security forces without warning and consultation; the mixed messages being propagated by government spokesmen; and the collection of taxes in Tamil areas. (1996, 162)

In June 1990 the Tamil Tiger leadership abruptly broke off negotiations with the government and seized and killed more than 150 policemen who had specific orders not to resist capture. The struggle was thus resumed at the militants' initiative, and Premadasa's extended patience was shown to have been misguided (Zartman 1995, 53). These attacks marked the beginning of yet another phase of the LTTE's protracted war against the GOSL, which would be waged for the next 4 years. Ironically, the LTTE was at enormous advantage since it had many gains out of the whole process by the time it withdrew from talks whereas the GOSL ended up with a costly peace initiative at the expense of its diplomatic relations with the India, internal political stability, finances, and the military hardware of its armed forces.

### Conclusion

It is evident that the LTTE benefited immensely from the counter offer that the GOSL made by officially demanding the withdrawal of the IPKF as the LTTE found breathing space and much needed time to reorganize. As a result of the offers and counteroffers made, the LTTE could also obtain free weapons from two sources to fight not only the IPKF but also the Sri Lankan forces when required. Above all, the LTTE's ultimate survival was guaranteed with the departure of the IPKF at a critical time, where

it was perilously wearing away by the overwhelmingly superior combat power of the Indians.

The LTTE also gained reputation and won the hearts and minds of the Tamil population, who had been tormented from the damage caused on their lives and properties by the IPKF during its campaign in the north and east. Moreover, the LTTE could gain worldwide recognition as a credible militant group that outwitted the world's fourth largest army without being completely crushed. The amount of experience that the LTTE military leaders and cadres gained by fighting an overwhelmingly superior conventional army whilst avoiding decisive confrontation became highly beneficial during their next offensive with relatively small and ill-equipped security forces of the GOSL.

Due to the agreement for negotiations, the LTTE could also gain psychological advantages, as they were completely relieved from the fear of being exterminated by a formidable foreign military force on its own soil while the primary opponent, the Sri Lankan forces, was not firing a shot or losing a single life. They also could get most of their important and active members released from the government prisons as a result of the GOSL's reciprocity for the LTTE's fake surrender of arms.

If not for President Premadasa's open-handed policy in dealing with the LTTE during negotiations, it would not have gotten the opportunity to gain undue recognition among Tamil population as well as the international community and a superior status among other insurgent groups as well as the TULF. Consequently, it could reemerge as the only contending politico-military outfit that could directly deal with the legitimate counterinsurgent on behalf of the Tamil community. The LTTE was also financially and

materially benefited after being exhausted from its prolonged campaign with the IPKF, where it was able to regroup and regenerate the lost combat effectiveness.

However, the failure to make any agreements was only to the GOSL's disadvantage as the LTTE was well prepared to resume the war with more vigor and freedom of action as most of the areas vacated by the IPKF had come under its control and as its regrouped cadre was now equipped with the arms given by the GOSL as well those acquired from the Indian Army through TNA.

As it can be clearly visualized, the situation in Sri Lanka immediately after the LTTE's withdrawal from negotiations became extremely undesirable for the GOSL, since it had lost diplomatic relations with the Indian government as well as the credibility among its own people. On the contrary, the LTTE commenced enjoying the benefits of its 11 months long "Honeymoon" with the GOSL in Colombo by attacking unprepared security forces in the north and east. In view of above facts it is evident that the outcomes of the second round of negotiations in Colombo were undoubtedly favorable for the growth and survival of the LTTE, who were facing a perilous threat of gradual attrition by the IPKF with the support of the other insurgent groups.

#### Case Study Three: Peace Talks in Jaffna from October 1994 to April 1995

In Sri Lanka, direct talks between the Liberation Tigers of Tamil (LTTE) and the government were initiated in October 1994, following the regime change, which brought Chandrika Kumaratunga and the People's Alliance (PA) to power. The hopes were high that the talks would result in a breakthrough, resolving the longstanding conflict between the predominantly Sinhalese state and the main Tamil militant group, the LTTE. On the military front, the government and the LTTE initially pursued the talks without

attempting to halt the armed clashes. However, in January 1995, the parties agreed to a Cessation of Hostilities Agreement, which successfully stopped fighting for three months (Kristine 2004, pp 15-16).

### Period of Protracted Violence

The civil war in Sri Lanka intensified in the 1990's, after the second round of peace talks failed in mid-1990, following a one-year cease-fire. This led to a second, distinctive phase in the conflict, known to the Tigers as Ealam War II. To a great extent this was facilitated by the ability of the Tamil Tigers to procure more sophisticated weaponry, including heavy machine guns, surface-to-air missiles, and pressure mines, and to build more solid fortifications around their bases. It was also due to a consolidation of the overall movement under the undisputed leadership of Prabhakaran. Throughout the early 1990s, mobile units of Tamil Tigers inflicted heavy casualties on the Sri Lankan army with monotonous regularity. The Tamil Tigers expanded horizontally as well as vertically. During this phase they managed to develop a naval and airborne capability (Rotbeg 1999, 26).

The LTTE's reprisal killings included members of rival Tamil groups and political leaders, such as the Sri Lanka Muslim Congress (SLMC) leader for his strong criticism of LTTE and military commanders for inflicting heavy damages on the guerillas. Most of the LTTE attacks on other Tamil groups took place in Colombo, where the most serious act was assassination by a suicide bomber of the commander of the Sri Lankan Navy, the highest armed service person to be killed by the LTTE. The government engaged in a massive search operation to locate LTTE members and their supporters in Colombo, and the city was placed on maximum alert on LTTE leader



Prabhakaran's birthday (November 26) as there were rumors that more assassinations were planned (Hennayake 1993, 159).

The struggle was epitomized by the fighting around Elephant Pass, a Sri Lanka Army encampment that dominates the route into the Jaffna peninsula. In 1991 the LTTE had made a frontal attack on it, but withdrew with heavy losses. (Johnson 2005, 59). The period of protracted violence after the failed negotiations in 1990 marked the assassination of several political leaders of both India and Sri Lanka by the LTTE, in addition to its major military engagements with the government forces.

Undoubtedly, support to the Tamil Tigers from the Indian mainland was put into question in 1991 by the assassination of Gandhi by a suicide bomber at a political rally in Sriperumbudur, close to Madras, shortly before the former prime minister's almost certain re-election. The Tigers feared that his re-election would lead to a renewed IPKF and a crackdown on the elaborate LTTE network in Tamil Nadu. The assassination of Gandhi was the work of the LTTE Black Tiger suicide squad, the group that was responsible for the assassination of Sri Lanka's president Ranasinghe Premadasa, Deputy Defense Minister Ranjan Wijeratne, and Vice Admiral Clancy Fernando (Rotbeg 1999, 26).

In 1993 the LTTE reportedly had about 10,000 men in its fighting cadre, all Tamils and Hindus (Santilli 2004, 218). During early 1993, while the conflict in the north appeared to be reaching a stalemate, the army made headway against the Tamils in the east. In July, the LTTE launched an attack on the three northern army posts, and the government responded with a major offensive. It cut off the largely rebel-held Jaffna peninsula from the main land. The Tamils, in turn, responded in November by

overrunning a military complex at Pooneryn, across the lagoon from Jaffna, and government lost 500 troops in its efforts to recapture the facility (Rotbeg 1999, 26).

On the other hand, unlike during the pre 1990 era, the LTTE also encountered a new threat to its illicit sea transport operations in the Indian Ocean to smuggle weapons and munitions. In 1993, the Indian Navy intercepted an LTTE ship, which it believed had been supplied with its illegal cargo by Pakistan's Inter-Services Intelligence (ISI) to the LTTE controlled area in Sri Lanka. The guerillas scuttled the vessel to prevent its capture. Kittu, a senior member of the LTTE, chose to commit suicide by going down with the ship. Other Tigers taken, however, told their Indian interrogators about the origins of the arms consignment (Johnson 2005, 56).

By this time the LTTE has acquired a fleet of commercial ships that generates a great percentage of its foreign income and undertakes smuggling of military hardware from overseas as described by Rohan Gunaratne, who is the terrorism expert from the Center for the Study of Terrorism and Political Violence at the St. Andrew's University in Scotland and who addressed the US congress in the wake of September 11 attacks:

[The LTTE's] international infrastructure includes 6 ocean going ships, 35 offices and cells, and a state of the art network to disseminate propaganda and raise funds from a half a million Sri Lankan Tamil Diaspora. Their world-wide networks have facilitated the purchase of weapons from private arms dealers and governments using false end user certificates ...[the LTTE have] also established a naval base in Twante, an island off Myanmar, the country from which 80% of the heroin found in the United States originates. For generating revenue, the ships also transport timber, fertilizer, timber, flour, sugar, cement, and other commercial goods. In addition to military arsenal, the ships also transport narcotics from Myanmar to Europe...They invest in the money market and real estate including restaurants in Europe and Asia. Trading in gold, money laundering, and traffic in narcotics bring them substantial revenue. (Harris, Geoff T. 1999, 20)

## Offers and Counteroffers for Negotiations

The year 1994 marked the end of the longest period of rule by one party in post-independence Sri Lanka - 17 years by the UNP. In the parliamentary and presidential elections held in August and November, respectively, the opposition People's Alliance (PA) led by Chandrika Bandaranaike Kumaratunga of the SLFP defeated the UNP, obtaining a mandate to negotiate a political solution to the 11 year old war with the LTTE (Keerawella and Samarajiva 1995, 153). In her new role as the Prime Minister, Kumaratunga had two tasks to attend to. One was to initiate a fresh round of peace talks with the LTTE, and the other was to prepare for the incoming presidential elections as the PA candidate. She managed to initiate the next round of negotiations with the LTTE on 13 October 1994 (Herath 2002, 63).

The heart of Kumaratunga's initiative was a negotiating effort with the LTTE, which was to be backed up by a statesmanlike set of constitutional proposals intended to reassure minorities, especially the Tamils, that their rights would be protected in a post-settlement Sri Lanka (Rotbeg 1999, 132). The President, having assumed office, made a public statement admitting that there was a problem to be solved in the interest of Tamil people in Sri Lanka:

The first task is, therefore, a new approach predicated on unqualified acceptance of the fact that the Tamil people have genuine grievances for which solutions must be found. The polity of the country must be structured on the basic premise that all sections of society are entitled to recognition as partners in a pluralistic society. (Rotbeg 1999, 52)

Within weeks of taking office, she had sent a delegation to north to talk directly with the Tigers with no pre-conditions. A cessation of hostilities was worked out, but the Tigers insisted on four conditions for continuing the truce; (1) immediately lift the

embargo that had been in effect for some years on food, gas, and other supplies to the North, (2) Allow Tamil fishermen to fish in northern coastal waters, (3) Remove a military camp in a strategic position in the North, (4) Permit the LTTE cadres to carry guns for their own protection when in government-controlled territory in the east. The government rejected the last two demands out of hand, and finally agreed to the second demand but only partially, and only after months of negotiations. While the government accepted the first demand- to lift the embargo immediately- it had difficulty implementing it (Singer 1996, 1150).

#### Agreement to Negotiate

The LTTE, having engaged in an isolated campaign against the GOSL over a period of protracted violence for more than 4 years, found an ideal opportunity to resume reorganization, rehabilitation and replenishment of its movement that was sinking militarily, politically, economically and to a certain extent diplomatically since they lacked support from the Indians. Accordingly, the LTTE gave its consent to talks with the GOSL. Both LTTE leader Prabhakaran and spokesman Anton Balasingham have stated their interest in a peaceful settlement falling short of a separate state, but it is difficult to judge the veracity of the LTTE's commitment to a peaceful solution (Keerawella and Samarajiva 1995, 158).

#### Period of Negotiations

Armed with her renewed and stronger mandate, Kumaratunga moved forward vigorously with the peace process. On January 8 the government and the LTTE agreed to a cessation of hostilities, and further rounds of talks were held in Jaffna between two the

sides. An increasing variety of formerly banned goods moved to the North, and plans were laid for a massive program to reconstruct the region's shattered economic infrastructures. In the mixed Sinhalese, Tamil and Muslim eastern districts, ethnic tensions visibly relaxed despite what all recognized to be a very fragile truce (Schaffer 1995, 216-17).

The president nominated a four-person team headed by Secretary to the President Kusumsiri Balapatabendi, who traveled four times to Jaffna for talks with the LTTE. The negotiations started in October 1994 amid tremendously high hopes from people in Jaffna, where the team was initially received with flower petals and wild popular enthusiasm, as well as in the rest of Sri Lanka. None of the four team members had been involved in previous negotiating efforts. They had no staff of their own, and the president apparently discouraged them from contacting negotiators from previous rounds (Rotbeg 1999, 132-33).

Seemingly, with the dissatisfaction of Jaffna people's growing desire and hopes for a peaceful settlement and with the intention of retaining a higher bargaining power during talks, the LTTE still continued its military campaigns. After the peace process was started, the LTTE destroyed a supply ship carrying food to Jaffna and surveillance ship. But observers have commented that the popular fervor generated in Jaffna by Kumaratunge's peace moves may have alarmed the LTTE and made the LTTE leadership reconsider its strategy. At the year's end, the government and the LTTE were still negotiating about establishing a cease-fire and advancing the peace process (Keerawella and Samarajiva 1995, 158). On the other hand, the LTTE's local fund raising also continued to grow during this period.

The LTTE adopted a routine system of “taxation” of Sri Lankan Tamils that was gauged to individual incomes. In addition, the LTTE requested every family in “Tamil Ealam” to donate a flat fee of 10,000 rupees (about US \$ 200, or the equivalent monthly salary of a university don) or two sovereigns of gold toward the LTTE national security fund. In 1991 and again in 1995, the LTTE solicited extra donations, after announcing that resources were required to provide “protection” to the Tamil people and to promote the goal of “liberating Tamil Ealam” The LTTE taxed all local trade and commercial business. The LTTE also taxed private passenger buses and lorries transporting foods and other supplies to and from the northeast. The LTTE tax assessors would assess the profit and request the payment. Failure to pay resulted in confiscation of goods, and detention and a fine incurred by the defaulter. Clandestinely, the LTTE also collected money from Tamil-owned business elsewhere in Sri Lanka, particularly in Colombo, where the Tamil business community, with origins from Jaffna, is wealthy and prosperous. (Ballentine and Sherman 2003, 210-211)

The LTTE made the optimum use of the period of negotiations for building up its much needed combat logistics too. During the PA-LTTE peace talks, there were three shipments. The ship Sweeney transported 50 tons of TNT and 10 tons of RDX purchased from a chemical plant from Nicholave, a Black Sea port in the Ukraine. Only 300 to 400 kg of this quantity was used in early 1996 to devastate the heart of Colombo’s financial district by the LTTE. Similarly, a consignment of SAM-7s procured from Cambodia via Thailand reached Sri Lanka. This was the most expensive military cargo, the LTTE had ever transported (World Alliance for Peace in Sri Lanka 2004, 168).

### Agreements and Disagreements

The guarded hope that the peace process would lead to an early break-through soon began to fray. The Tigers made it clear that they would enter into substantive political discussions only after the government made further economic and military concessions. Their insistence on the dismantling of a major army camp and other steps that would improve their strategic position seemed designed to oblige the government to choose between the peace process and its own armed forces, which strongly opposed

such unilateral concessions. When Kumaratunga refused to agree fully to their demands, the Tigers charged that she had become a captive of the military. They also complained that, that unlike in the last, unsuccessful round of bilateral talks in Colombo in 1990, the government side was represented by a relatively low level delegation; they claimed that this indicated a less than serious attitude on the government's part toward a negotiated settlement even though the talks were accompanied by a copious exchange of letters between Kumaratunga and LTTE chief Velupillai Prabhakaran. They alleged too, that the government had failed to deliver fully on its pledge to lift the embargo on the movement of goods to the north (Schaffer 1996, 217).

#### Withdrawal

The negotiations with the LTTE initiated by Kumaratunga continued for about six months, but failed to come up with an amicable agreement to end the separatist war, just like in the first two rounds negotiations by the former UNP governments. In the 1994-95 negotiations there appeared to be a basic difference in the approach of the government and the LTTE. The LTTE wanted negotiations to proceed in two stages: first, the restoration of normalcy and creation of peaceful environment and after those talks for a peaceful political solution. The government, however, wanted simultaneous negotiations on all the issues in question (Hearth 2002, 64).

The Tigers first set a deadline of March 1995 for their demands to be met and later extended it. However, on 19 April 1995, despite having signed an agreement that either side would give 72-hour notice, the Tigers blew up two ships in an east coast harbor. This was followed almost immediately with a major LTTE offensive launched against the Sri Lankan military, not a direct frontal assault but hit-and-run attacks. In

rapid succession, almost one quarter of the Sri Lankan navy was sunk, several planes were downed (by what may have been ground-to-air missiles), and scores of military personnel were killed. These actions made Kumaratunga's relations with the military particularly difficult, as during the truce talks she had cancelled approximately \$72 billion worth of contracts for military hardware (Singer 1996, 1151).

Seen in this context, the Tigers used the peace process for what it was worth. They extracted supplies for the beleaguered Jaffna Peninsula, and were able to replenish and improve the position of their military in the East, which had suffered substantial setbacks earlier. By contrast, the government reportedly suspended its arms procurement program and other military preparations and had to scramble frantically once the truce broke down. By responding to Kumaratunga's initiative the LTTE was also able to demonstrate they were flexible and open minded to an alternative solution in the eyes of Tamil people, the rest of Sri Lanka and the international community. They might have allowed the peace process to string itself out somewhat longer if they had not found real and imagined shortcomings on the part of the Kumaratunga government. But in the absence of an arrangement that gave them Tamil Ealam--they would eventually have gone back to the battlefield (Schaffer 1996, 218).

### Conclusion

One of the President Kumaratunga's offers to resume negotiations marked a significant achievement in the history of LTTE's struggle; the GOSL's official declaration that there are genuine grievances of the Tamil people, which need to be addressed when resolving the internal conflict in Sri Lanka. At a time of minimal external support, particularly from India, the LTTE's agreement to negotiate brought it not only



an operational pause after four years of attrition war but also time to reemerge from its bunkers and falsely project itself as an organization that believed in peaceful means in the eyes of the world community.

As it was the case during all other previous negotiations, under the auspices of the government's decision to lift the embargo on the transportation of certain goods to the North and East, the LTTE got the golden opportunity to stockpile colossal quantities of much needed logistics, primarily fuel, which had been a "high-demand, low-density" supply for its routine as well as long term activities. Moreover, the GOSL's decision to ease off restrictions on fishing in the coastal waters of North and East not only gave the LTTE undue credit for being fallaciously concerned about the grievances of the local populace but also the opportunity to intensify its cross loading of illicit consignments from deep sea vessels to smaller ones that could be disguised as fishing boats.

As far as the LTTE's propaganda campaign is concerned, its decision to negotiate with the GOSL drew wide publicity and undue recognition among both local and world community for being flexible enough to seek a political solution for their problems. On the other hand, the GOSL's decision to send their negotiators to Jaffna, the de facto capitol of the LTTE held areas, for the first time in the history of the peace talks, gave the LTTE a measure of status and recognition.

This time, the LTTE benefited from several desirable outcomes of the period of negotiations. Firstly, it could attain a significant recognition as the sole legitimate representative of the Tamil people to directly negotiate with the GOSL in its own de facto capitol. Secondly, the LTTE could fortify its defenses and bunkers, particularly with the cement and barbed wire that were formerly banned in the north and east, thirdly, the

LTTE got the opportunity to recruit, regroup and retrain its cadre until the next offensive, fourthly, the President's decision to cancel a large consignment of military hardware severely affected the security forces' combat effectiveness, and lastly the LTTE could vigorously undertake its fundraising ventures both locally and internationally by taxing the average Tamil people as well as by maintaining an effective tax collection system among Tamil businessmen alike.

In the case of withdrawal the LTTE was at a great advantage as well, since it could frivolously violate the agreements and preempt the security forces achieving a great initial success during the next offensive. By the time talks ended the LTTE also had acquired surface-to-air missiles (SAMs) hindering the air supremacy that had been enjoyed by the Sri Lanka Air Force during the entire history of the conflict. This can be highlighted as a significant growth of its military power that would become a new problem for the security forces to deal with several expensive counter measures. In view of above conclusions, it is quite evident how the magnitude of the LTTE's war has been steadily increased during the period of negotiations with PA government in 1995-996.

#### Case Study Four: Peace Talks in Overseas from September 2002 to April 2003

When the LTTE declared a unilateral cease-fire for 24 December 2001, Prime Minister Ranil Wickramasinghe quickly followed suit, and a formal cease-fire agreement was signed on 23 February 2002. Peace negotiations again brokered by Norway have been underway since September 2002 (Winslow and Woost 2004, 7). However, this analysis covers only the first phase of the negotiations that was concluded in 2003 since the second phase is still (as of 06 May 2006) under way amidst growing violence.

## Period of Protracted Violence

The government and the LTTE talked in a desultory way for three months in 1995. Then the LTTE, having used those three months to regroup and rearm, attacked military establishments and broke off from negotiations. This was the start of Ealam War III (Rotbeg 1999, 10). But, this time the degree of violence was going to be reflected in thousands of lives lost and colossal damage to both private property and public infrastructure.

Firstly, the commando-style paramilitary attacks by the LTTE on “prestige targets” in Colombo with the attack on the Kolonnawa Oil Refinery on 20<sup>th</sup> October 1995, and the suicide-truck-bombing of the Central Bank on 31 January 1996, along with World Trade truck-bombing on 15<sup>th</sup> November 1997. These attacks should be considered as being primarily targeted against economic infrastructure, which have added political significance due to their prestige, location, and high visibility (Schlee 2002, 221).

The GOSL resumed its part of the war with a number of military successes. In addition, there were frequent bomb attacks. In January 1996, almost a hundred civilians were killed and 1,400 injured in the Colombo banking district. On another occasion, Tiger frogmen blew up two gun boats at the naval base of Trincomalee. On the other hand, a naval blockade imposed by India severely hampered Tamil Tiger arms supplies, which mainly came from across the sea. Tamil propaganda has been far more astute than government propaganda, and the Tigers have established a foreign service of their own in thirty eight countries, issuing daily news bulletins and running their own illegal radio station in Sri Lanka. Use is widely made of the internet and video clips, which are distributed to leading media in foreign countries (Laqueur 1999, 195).

The military was more successful a few weeks later when, tipped off in advance, it beat back a series of Tiger attacks on army camps in the East, inflicting huge losses. In late October the army again went on the offensive in the Jaffna area, and on December 5 was able to raise its flag over the center of the city after some of the most severe fighting of the war. Kumaratunga stated that the victory “successfully terminated Phase One of the Battle for Peace, waged against terrorism, separatism, and racism of all sorts.” By then the LTTE leadership had long since moved to a jungle hideaway on the Sri Lanka “mainland” south of the peninsula, and Jaffna had become a devastated ghost town as hundreds of thousands of Tamil civilians fled from the city and neighboring areas. The LTTE had reportedly forced the civilians to leave so that it could keep them under their control (Schaffer 1996, 218).

Although no longer operating from Jaffna, but from the dry jungles south of Jaffna peninsula, it succeeded in July 1996, for instance, to overrun an army camp at Mullaitivu, some 175 miles north-west from Colombo (but close to Jaffna), killing an estimated 1,400 soldiers during a 10-day battle (Schmidt and Schroder 2001, 190). This attack signifies the largest ever coordinated attack carried out by the LTTE.

However, the GOSL’s operational successes forced the LTTE to lose its grip over the territory and the population of the strategically important Jaffna District. The main bases of Tiger operations, such as the Jaffna Peninsula have been virtually destroyed; most of the peninsula’s inhabitants have emigrated abroad. The war effort of the LTTE is mainly paid for by expatriate Tamil communities in Canada, the United States, Australia, South Africa and several European countries. The extraordinary ruthlessness of the campaign waged by the Tamil Tigers has shown itself in the indiscriminate killing of

Sinhalese and Muslim peasants in addition to the political murders committed against rivals within the Tamil camp. In 1998, yet another elected mayor of Jaffna, a Tamil woman, was killed by the terrorists (Laqueur 1999, 194).

In the meantime, they carried out terrorist attacks in Colombo, which killed civilians indiscriminately. A large number of women and girls was used as suicide bombers because the LTTE calculated that they were less likely to be searched. The terror campaign which continued until 2000 convinced many Sinhalese that peace with the Tamils was impossible. Even the government seemed vulnerable. (Johnson 2005, 58). The period of 1999-2001 saw a series of suicide bomber attacks on politicians.

The December 1999 gave the LTTE the opportunity to attack President Kumaratunga. On December 18, 1999 the LTTE dispatched a female suicide terrorist who detonated herself after a political rally near the Town Hall. The president lost an eye, but survived the attack, which killed her security guards and bystanders. On the same night, another LTTE suicide bomber, a male, chose an election rally in the Ja-Ela township near Colombo, to kill a former General, who was expected to get a cabinet position in the UNP government, had it succeeded in the elections. In July 1999, the LTTE killed moderate TULF Member of Parliament Neelan Tiruchelvam and in June 2000, a senior cabinet minister C.V. Gunaratne (Bloom 2005, 62).

The LTTE had sunk to forcibly recruiting women and children to fill the places of 20,000 slain cadres. On the government's side, morale plunged after a stunning LTTE attack on the country's international airport at Katunayake in July 2001 destroyed or crippled half of the Sri Lankan Airlines fleet and a fair proportion of the Air Force (Plunkett and Ellemor 2003, 18). In the meantime, the LTTE continued to draw foreign

funds from members of the Tamil Diaspora, who have migrated to the European countries, the Americas and Australia:

[A]fter the eviction of the LTTE from the Jaffna peninsula in 1996, the bulk of the income so derived has originated in expatriate Sri Lanka Tamil communities in western countries. According to a recent estimate attributed to a Sri Lanka embassy source in Canada, the total amount of “refugee funding” of the LTTE world-wide is about US\$ 2 million a month of which a share equivalent to about US\$ 730,000 appears to be derived from the Tamils living in Canada (who, by 1995, numbered about 180,000, with an estimated 120,000 in Toronto and its suburbs). The average monthly collections from other countries (whether entirely from donations is not made clear), as estimated by Davis in 1996, work out, in US\$ equivalents, to 650,000 from Switzerland (this probably includes transfers from other countries), 385,000 from the United Kingdom and 200,000 from Germany. Another estimate, made in 1997, places the “LTTE collection from the Tamil diaspora world-widely at £ 1.25 million per month.” (Peiris 2001, 3)

By this time, Mr. Lakshman Kadirgamar, the Sri Lankan foreign Minister, had launched a vigorous diplomatic campaign against the LTTE in countries, where the Tamil diaspora was tremendously active and enormous funds were generated for the LTTE. This was also the time that the United Nations General Assembly focused its attention on freezing foreign funds of world terrorist organizations: This development in the international scene adversely affected the free flow of foreign funds to the LTTE.

Most significantly, General Assembly Resolution 51/210 of 17 December 1996 recognized the specific nature of terrorist financing itself when in paragraph 3 it called upon states to take appropriate domestic legislative measures to prevent the financing of terrorism, not only where it was linked to drug dealing, arms trafficking, and other criminal methods, but also where the financing was associated with ostensibly legal and non criminal institutions of a charitable, cultural or social nature. General Assembly resolutions were additionally backed up by those of the Security Council. UN Security Council Resolution 1373 (2001) called for member states to freeze or block terrorist funds or assets. (Freedman 2002, 70)

Moreover, there was also a significant shift in the international community’s stance on the LTTE taking place by this time. In 1997 the United States banned the LTTE and branded it as a terrorist group thus making it illegal to transfer funds to the LTTE.

The Canadian government began to curtail its open door immigration policy. After September 11, 2001 it became clear that no Western government could support the LTTE without the fear of sanctions and severe costs to its reputation. This is understood to be one of the reasons that led the LTTE to the negotiating table (Bloom 2005, 74). The events of 11 September 2001 in New York also changed the equation. Up until then the government was slowly succeeding in getting Western powers to declare the LTTE a terrorist movement. After 11 September 2001, the LTTE faced having the USA giving substantial support to the government, while having its overseas fundings cut (Plunkett and Ellemor 2003, 18).

The LTTE's growing international isolation was evident in its being declared a terrorist organization by the UK and Australia, a status to which it had already been assigned by India, the US, Canada, and other countries. Leading LTTE figures including its chief Velupillai Prabhakaran, had already been early in the year on Interpol's most wanted list for murder and terrorism. Reportedly, these measures put pressure on the LTTE's financial operations and economic sources of funding. Despite this, it was generally felt that because of the LTTE's military standing, it would be necessary to involve its leaders in negotiations to resolve Sri Lanka's ethnic crisis—a stand echoed by the non-EPDP parties in Sri Lanka (Shastri 2002, 182).

#### Offers and Counteroffers for Negotiations

The newly formed PA led coalition government had the same approach to the separatist war as that of the previous PA government. It was not prepared to open new peace talks, hoping to win the war in the battlefield. Within a month of forming the new government, on 2 November 2000, Eric Solheim, the Norwegian Special envoy to Sri

Lanka, announced that the LTTE was prepared to open fresh peace talks without preconditions. He had met the LTTE leader V. Prabhakaran, a few days before. The government simply rejected the offer. Then on 25 December 2000 LTTE declared a unilateral cease-fire, and called on the Sri Lankan government to match it. The government refused to respond to the cease-fire as well, and launched a series of operations and recaptured areas close to Jaffna town (Herath 2002, 66).

The LTTE was not to be inopportune for too long. A partial change of regime occurred at the Parliamentary elections held on 5 December 2001 created immediate domestic conditions for negotiations between the newly formed United National Front (UNF) government and the Liberation Tigers of Tamil Eelam (LTTE). An unofficial, unilateral cease-fire declared by both sides came into effect soon after the new regime took power. (Uyangoda 2003, 1).

#### Agreement to Negotiate

A few days later, the LTTE also expressed its desire to reopen peace negotiations with Norwegian facilitation. According to a news item appeared in Colombo Page, a Sri Lankan Internet news paper, on 3 January 2002, "LTTE leader Velupillai Prabhakaran yesterday (meaning 2 January 2002) sent a letter to Norway's Prime Minister Kjell Magne Bondevik calling for Norway's continuous engagement as facilitator." This is the first time that the LTTE leader has sent anyone such a letter. As a result of Norwegian facilitation, two parties have first signed a Memorandum of Understanding (MoU) on an open ended cease-fire arrangement on 22 February 2002, pending actual negotiations for a lasting solution to the ethnic conflict (Herath 2002, 68).



Unlike in the previous negotiations, several other agreements were made between the parties by signing of the MoU or the Cease-fire Agreement (CFA) prior to making an agreement for negotiations. An analytical study on the agreements reflected in the MoU will reveal that there are both tangible and intangible advantages that the LTTE would have gained by agreeing to negotiate (see the Appendix A for more details).

### Period of Negotiations

In mid-September 2002, the first round of peace talks took place in Thailand. The government lifted the ban on the LTTE few days before the scheduled talks in Thailand. The government was of the view that as long as the LTTE remained banned, it would have no political space outside the areas of its direct control. The government was also of the view that proscription will encourage the LTTE's military track and what is needed is to permit the organization to engage in political activities. The second round of peace talks took place in Thailand in late October 2002 (Kelegama 2002, 15).

In the 2002 negotiations, there was an understanding between the UNF government and the LTTE to set up an interim structure in order to facilitate and expedite programs of rehabilitation and reconstruction. In April-June 2002, the UNF government produced two sets of proposals for an interim administration which the LTTE rejected as inadequate. Indeed, the government proposals were framed merely as administrative arrangements, with no recognition of the political dimensions of the ethnic conflict. Neither did they seek to provide any degree of autonomy to the proposed interim institutions. While rejecting the government's two sets of proposals, the LTTE then undertook to draft its own proposals. In October 2003, they submitted to the government

proposals for what was called an Interim Self-Governing Authority (ISGA) for the Northern and Eastern provinces (Uyangoda 2005, 9).

The LTTE proposals for an ISGA generated critical responses from the key political actors in the South. With the exception of JVP, however, the UNF government, the SFP and PA reiterated their commitment to carry the peace process forward and their belief that there were grounds for doing so. The UNF government responded that there were “fundamental differences” between their proposals and those of the LTTE, they nevertheless were confident that there was a basis for negotiations. The SLFP, while castigating the proposals as laying “legal foundation for a future, sovereign state”, called for immediate talks on core issues (Ferdinands et al. 2004, 19).

While the peace talks were in progress, the LTTE, profitably, made use of time and opportunity to launch its propaganda campaign, more vigorously and wider publicity than during the previous occasions.

A dramatic turn of events came about in April 2002. The LTTE leader, Prabhakaran, broadcast a notice saying that he would hold a press conference in rebel-held jungle on 10 April. The government cleared the main road for the access of the eager journalists. Guides would escort the visitors to a secret location. No satellite phones were allowed. An excited huddle of correspondents saw the leader, not in fatigues, but a smart shirt, emerge from his bunker to face microphones and cameras. He spoke directly, “We are seriously considering renouncing armed struggle if a solution acceptable to the Tamil people can be worked out” He went on to say that the LTTE had been misinterpreted. “We fight” he declared, “for the liberation of our people. You must distinguish between what constitutes terrorism and what is a liberation struggle.” (Whittaker 2004, 42)

The LTTE also made use of the period of negotiations for its economic growth, which had been largely deteriorated since the UN resolutions on freezing terrorist funds from 1996 thru 2001. Now, a large portion of LTTE money comes from internal taxation, levies, and tolls. The Tamils living in the north endure very high taxation and the LTTE

is the only terrorist organization that issues speeding tickets (on the A9 highway). Unlike in the previous iterations of conflict resolution, the majority of the mass public is exceptionally war weary (Bloom 2005, 75). The LTTE also intensified its extortion efforts throughout the east, reportedly in sums of up to \$1,000; teachers and government officials, meanwhile, have been asked to pay 12 percent of their salary, as opposed to 5 percent previously (Rotbeg 2003, 230).

From the beginning of the peace process, the LTTE endeavored to gain international recognition as the legitimate representative of the Tamil people. Its well-organized international network of expatriate Tamils in Western countries lobbied governments, political parties, NGOs and individuals to gain political recognition for the organization. The LTTE's political wing became more active and adapted to receive and entertain a flow of foreign politicians, diplomats and representatives of donor organizations. With financial support from Norway and Japan it established a Peace Secretariat in Kilinochchi as a counterpart to the government's Peace Secretariat in Colombo. The leader of its political wing kept assuring the foreign visitors that it was fully committed to peace and a negotiated settlement based on internal self-determination (Shanmugaratnam and Stokke 2004, 18).

Tiger recruitment of children has continued apace, even since the February 2002 cease-fire. Reports from Batticaloa District indicate that the LTTE has taken advantage of the cease fire to move about the district, visiting schools and families to forcibly conscript young boys and girls; indeed many families have considered moving out of the area to protect their children (Rotbeg 2003, 230). As of 31 October 2004, UNICEF documented 3,516 new cases of child recruitment since the cease-fire signed in February

of 2002. Only 1,206 children were formally released by the Tigers, according to UNICEF. As of November 2004, UNICEF files hold documentation of 1,395 child soldiers within the Tamil Tigers (Duke TIP Global Dialogues Institute 2005, 27).

The exact figures of the LTTE's recruitment drive during the 2002-03 negotiations period has not been clearly established by any source. However, the official website of the South Asia Terrorism Portal (SATP), which is a project conceived, executed, and maintained by the Institute for Conflict Management, an autonomous, non-governmental, non profit society set up in 1997, based in New Delhi, India, in its report on the LTTE has endeavored to provide an estimate based on various sources:

Sri Lankan President Chandrika Kumaratunga alleged on January 8, 2004, that the outfit increased its military strength during the truce period by recruiting over 11,000 guerrillas. "The LTTE has increased its cadre by three times from around seven thousand to over 18,000. Quite a few of them are small children and forcible recruitment was going on," she said. Earlier on January 22, 2003, the Sri Lankan President's office indicated that the LTTE had increased its fighting forces during the cease-fire period "by 10,000 cadres, most of whom were children." Citing intelligence sources, Presidential spokesperson Harim Peiris said that the LTTE strength had increased from "around 6,000 cadre" before the February 2002 cease-fire agreement "to 16,000", and charged that "kidnapping for forcible recruitment" was a major recruiting mode of the outfit. According to another estimate, the LTTE's deployment increased from 9,390 before the cease-fire agreement was signed to 16,240 towards the end of 2002. (SATP Website)

The LTTE also continued to undertake its secret sea smuggling operations under the auspices of relatively calm situation in the eastern shoreline. On 1 November 2002, a boat load of stinger mines was discovered by the Sri Lankan navy. The Sea Tigers violated the cease fire by trying to smuggle in the weapons and yet the talks in Thailand continued (Bloom 2005, 73). Even more troubling, the LTTE continued to recruit and train militants in Sri Lanka and procure arms and other supplies. Despite a series of warnings by foreign governments, including the US State Department, the LTTE

continued to build its military capability. In March 2003, an LTTE ship laden with military material was destroyed by the Sri Lankan navy. In retaliation, the LTTE attacked a Chinese commercial vessel in the Sri Lankan waters, killing its crew (Ballentine and Sherman 2003, 215). It is quite rational to assume that these incidents are few of many such secret endeavors that the LTTE may have undertaken during the negotiations.

Since the LTTE signed the MoU with the government in 2002, the army, police and Special Task Force units in the eastern Sri Lanka have been largely confined to their camps. The LTTE has made full use of this retrenchment by smuggling in weapons and ammunition along the southeastern coast of the island, bypassing the army blockade off the Mullaitivu Coast entirely; the Tigers have assigned twenty-four-hour surveillance of all government camps in the east in order to track any army movements (Rotbeg 2003, 230).

Direct international assistance, both political and economic, as well as the participation by the international actors is a key distinguishing feature of the 2002-2003 peace process. The UNF government, unlike the previous PA government, sought the active participation of the international community in the economic and political spheres for two strategic reasons. Firstly, the UNF government leadership viewed the 'internationalization' of the peace process as capable of providing the government an 'international safety net' in the peace process. Secondly, the government believed that a rapid process of rehabilitation, reconstruction and rehabilitation, accompanied by growth-oriented investment strategy and actively supported by the international community, would create tangible economic and social dividends to the people (Uyangoda 2005, 22).

## Agreements and Disagreements

There have been a number of road blocks to this process already. First, after stating that LTTE will come for peace talks without any conditions, the LTTE has reneged on the pledge by not only demanding de-proscription prior to the commencement of talks but laying down the “Thimpu principles” : Recognition of : (a) Tamil homeland, (b) right of Tamil self determination, and (c) Tamil nationalism as the basis of a solution. Second, in a recent interview the LTTE leader stated that he has not given up the idea of a separate state of Eelam. It was also stated that the current Sri Lankan Prime Minister is not recognized as the Prime Minister of the North and East and both the President and Prime Minister of the North and East is the LTTE leader. These statements have shrouded the whole peace process with uncertainty (Kelegama 2004, 13).

## Withdrawal

In March 2003, the LTTE had decided to boycott negotiations, alleging that excessive internationalization of the peace process had altered the balance of power between it and the Sri Lankan government. The international community expected the LTTE to return to talks in response to the pledges of international economic assistance, but the LTTE boycotted the Tokyo donor conference. It is quite pertinent to note that as a policy tool, international economic assistance has its limitations. The LTTE clearly demonstrated that it accorded primacy to strategic objectives rather than economic incentives for peace (Uyangoda 2005, 23).

The situation was further complicated when the LTTE was excluded from a donor conference held in Washington in April 2003 because it remained banned by the US as a ‘terrorist’ organization. On 21 April, the LTTE’s chief negotiator Anton Balasingham

wrote to the Prime Minister that his organization was temporarily withdrawing from the peace talks because of its exclusion from the donor conference, the non-implementation of agreed-upon measures and the continued sufferings of the displaced Tamils. He also informed the government that the LTTE would not be participating in the major donor conference on Sri Lanka to be held on 8-9 June in Tokyo (Shanmugaratnam and Stokke 2004, 5).

On the other hand, certain other reasons that caused the LTTE to suspend negotiations can also be cited. The financial aspect is underscored by LTTE demands for during peace negotiations in 2002 and the reason for its pulling out of the talks in 2003. In the proposed Interim Administration, the LTTE demanded for full control over international donor aid and the collection of taxes in the north and east of the Island. In addition its demands included the expulsion of all police and military personnel. The LTTE broke off peace talks because the international community would not allow funds to be directly controlled by it (Bloom 2005, 75).

### Conclusion

During an era where the LTTE was internationally and locally isolated and to a great extent militarily weakened, the newly elected UNF government's counter offer to the LTTE's offer for negotiations provided it with a long awaited opportunity that it could not seize with the previous governments that consecutively rejected its offers for both cease-fires and negotiations. Therefore, it can be argued that if the GOSL did not make a counter offer to enter into a truce that was followed with a series of long drawn negotiations, the LTTE would have been a virtual target of the GWOT enabling the

GOSL to effectively weaken it or at least contain its military power with the support of world powers.

On the other hand, during a critical juncture, where the world powers were taking increasingly stringent counter measures against international terrorism, the GOSL's agreement to resume negotiations with the facilitation of a European country became an extremely desirable outcome for the LTTE, since it gave it the opportunity to avoid being internationally isolated and escape being a target of the U.S. led Global War on Terrorism (GWOT). Moreover, this agreement provided it with a rare opportunity to deal closely with a country from Europe, where the LTTE is largely proscribed and the access is denied for its fund raising activities. This was also a geo-politically important achievement for the LTTE since they could partly exclude itself from the broad category of "Terrorists of Global Reach" being targeted by the U.S. led coalition.

The signing of a MoU prior to resumption of negotiations can be cited as an outcome of the agreement made by the GOSL for negotiations, which instantly became exceedingly advantageous to the LTTE as far as whole process of peace talks is concerned. The MoU established an undue parity of status for the LTTE that was overwhelmingly isolated among the international community waging a GWOT. The MoU also provided it the precious opportunity to regenerate its lost combat effectiveness, gain reputation, establish de-facto diplomatic links with donor countries, and enjoy free access to the GOSL controlled areas and merge with the Tamil population to expand its movement under the guise of political activities.

The GOSL's decision to de-proscribe the LTTE in Sri Lanka prior to peace talks was a significant outcome of the period of negotiations as it gave it a measure of



legitimacy to engage non-state actors and even state actors locally and internationally under the banner of sole contender of the peace process seeking a political solution with the GOSL. It can be argued that this outcome had a negative effect on the proscription that was in effect among several countries highlighted earlier as the LTTE negotiators could liberally travel in Europe.

The proposal made by the GOSL to establish an Interim Administration with the LTTE in the north and east was also an outcome that was politically advantageous to the LTTE as it far exceeded the limits of political structures that were proposed negotiated during the previous occasions. On the other hand, the GOSL's refusal to the LTTE's first ever proposal for a political structure; the establishment of an ISGA, also can be cited as a strategically advantageous outcome for the LTTE as it could gain sympathy and redress its grievances among the international community, spreading the notion that the GOSL is not prepared to compromise a peaceful solution.

As far as their propaganda campaign is concerned, the negotiations period opened all the forbidden doors for the LTTE to enjoy free and cheap access to global media networks as Prabhakaran personally could appear in front of a GOSL-sponsored media interview with a large representation of both local and international media personnel and deliver a message for an elusive peace and whilst propagating the notion that Tigers are "freedom fighters but not terrorists" during a crucial period where the international terrorists were under enormous pressure and threat of GWOT waged by the world powers.

One of the most important outcomes of the negotiations period is the opportunity given for the LTTE to collect funds from the innocent Tamil population through taxes

and various other illicit means within the areas controlled by the GOSL as well as from the vehicles and passengers using highways running in and out their areas. Additionally, the LTTE could monopolize the trading of all the fast moving merchandise within the North and East.

On the other hand, the LTTE had the opportunity to intensify its recruitment and training drive by the forceful or volunteer enlistment of cadres, including child soldiers since it enjoyed the freedom of movement within the GOSL controlled areas under the provisions of the MoU for political activities. Since the GOSL eased off certain restrictions on fishing in the coastal waters of north and east as a part of the MoU, the LTTE could continue with its illicit sea transportation activities and smuggle warlike materials into the Island from overseas whilst engaging in peace talks. The LTTE also could undertake trouble free onward distribution of these consignments among its camps as the GOSL's ground troops were practically confined to the areas that they held prior to cease fire, restricting their freedom of movement into LTTE held areas even for reconnaissance missions.

The "international safety net" that the GOSL expected to use for containing the LTTE's and preventing a unilateral breach of cease-fire conversely benefited the LTTE since the GOSL could not take offensive actions against the LTTE as per the provisions of the MoU that internationalized the conflict.

Even though it did not come up with any conditions prior to negotiations, the LTTE could officially reaffirm its position on the "Thimpu Principles" by the time they decided to disengage from the negotiations process and secure its position on the demand

for a separate state without compromising the credibility of the organization in the eyes of their sympathizers and supporters.

This time, the LTTE had valid reasons to suspend talks as it was excluded from the donor conference held in Washington in April 2003, as the U.S. government had already proscribed it in the U.S.A. as terrorist organization. This event can be highlighted as the most advantageous out come of its disengagement criteria in contrast with any of the LTTE's previous unilateral suspensions from negotiations, since neither the GOSL nor any other actor of the peace process could blame the LTTE for its decision. As a result, it could conceal all other unjustifiable reasons such as financial issues and unsatisfied demands for extrication of government troops from places of strategic importance, which actually prompted it to disengage from talks.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

The lesson of all history warns us that we should negotiate only when our military superiority is so convincing that we can achieve our objective at the conference table, and deny the aggressor theirs.

Richard M. Nixon (1913-1994)

#### Introduction

Any peace effort in Sri Lanka involves at least three elements: the military contest between the government and its militant Tamil adversaries, principally the LTTE; the negotiation of constitutional and other arrangements with minority communities; and the establishment and maintenance of a consensus on these same arrangements within the Sinhala community. The would-be peacemaker must manage all three aspects simultaneously and also find an effective way to communicate between parties that routinely misconstrue the messages they are sending and receiving (Rotberg 1999, 132).

On the contrary, each successive government in Sri Lanka that happened to be the virtual peacemaker as well as the counterinsurgent has not been able to win either the peace or the war since aforesaid elements were not effectively managed to date. Conversely, the LTTE, the insurgent, has been able to thrive and survive in the above asymmetric context.

The broad purpose of this research is to find how the separatist insurgents use negotiations for their growth and survival. Findings of the research lead to certain recommendations for the legitimate counterinsurgent to profitably engage in negotiations whilst denying the insurgents undue advantages during the lull of negotiations for their

diplomatic, informational, military and economic growth and survival to wage a protracted war. This Chapter is organized into three main parts. The part one constitutes the introduction, which includes the preamble to chapter five and a summary of findings from chapter 4. The subsequent parts consist of an interpretation of the findings described in chapter 4 and recommendations for further study and action respectively.

As it was articulated through the asymmetric negotiations model in the chapter 4, the LTTE has been involved in a prolonged venture of using negotiations to grow and survive whilst gradually weakening all elements of GOSL's national power since 1985. Accordingly, the findings of the analysis are summarized and illustrated in the figure 3 using the data found in the literature used for the analysis. It is noteworthy to mention that the figures for years 1983 and 1985 are the averages of minimum and maximum strengths given by various authors:

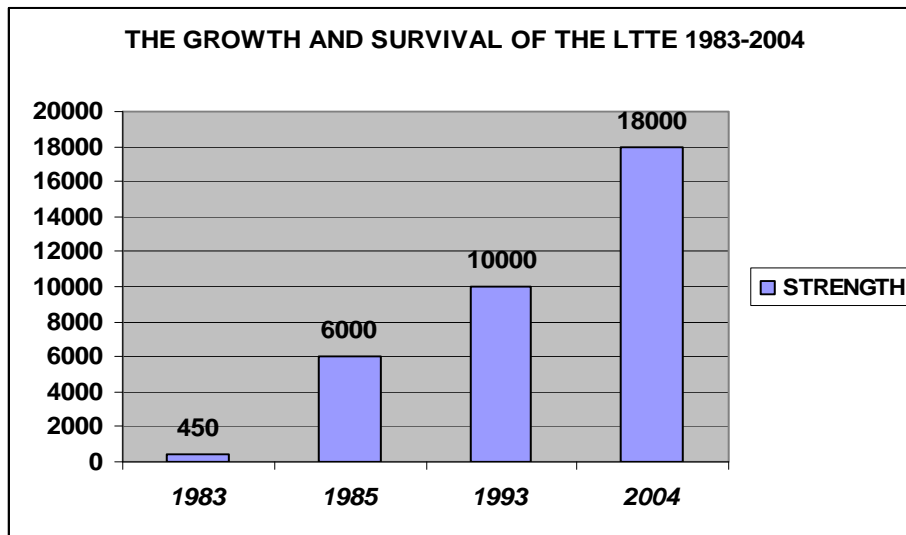


Figure 3. The Growth and Survival of the LTTE from 1983 to 2004

It was found during the case studies that the LTTE has been able to gradually increase its politico-diplomatic, informational, military, and economic power in order to reduce the asymmetry between it and the GOSL. On the other hand, the LTTE's growth would have certainly resulted in gradual diminution of the GOSL's ability to fight as the insurgents attacked the elements of its national power using focused violence during the intervening periods of protracted violence between each round of negotiations.

This gradual increment of the LTTE's power, growth, and survivability was clearly reflected in the degree of violence focused on the GOSL during each of the intervening periods between the four rounds of negotiations. Moreover, the nature and the extent of demands that it made prior to making an agreement to negotiate also has been changing and ever-increasing from 1985 to 2002; validating the assumption that the scale of demands made during negotiations rise proportionately with the status and the bargaining power of an insurgent organization, which are the analogous outcomes of growth and greater survivability.

#### Interpretation of Findings

The finding of chapter 4 can be aggregated and interpreted as per the politico-diplomatic, informational, military and economic interests of the LTTE, since those elements of power are extremely interconnected to each other and related to the growth and survival of an insurgency. Moreover, the reader will be able to circumspectly comprehend the gradual growth and increasing survivability of the LTTE in accordance with the time that has been spent over the four different periods of negotiations.

## The Politico-Diplomatic Growth

The LTTE, being a small insurgent group contending for international recognition in opposition to the GOSL and the TULF, was immensely benefited through the talks held in Thimpu, since it could enter the international arena due to the mediation of India as well as the location selected for talks, the capitol city in Bhutan. On the other hand, it could gain a virtual parity of status with the TULF as it was assured by the GOSL for not reaching a final solution without its consultation. Even though the LTTE's foreign relations were severely hampered during the period between 1989 and 2001, due to its own political blunders such as the assassination of Indian Prime Minister and a number of political leaders of Sri Lanka, its growth and survivability were not drastically affected. This was mainly due to the free flow of foreign funds and illegal overseas procurements carried out under the auspices of the Tamil diaspora and its overseas front organizations, the network of virtual embassies. However, the 1994-95 peace talks provided it the opportunity to reemerge from bunkers in front of the world community as an organization that believes in a peaceful solution to the conflict.

Nevertheless, during a critical era of being internationally isolated, the LTTE was able to re-establish its foreign relations with the attainment of undue recognition and acceptance by several foreign powers through the GOSL's agreement to resume negotiations under the facilitation of a European country in 2002. Moreover, it could closely deal with the cochairs of the donor countries to Sri Lanka including the European Union, Japan, Norway, the United Kingdom, and the United States even though the LTTE has long been proscribed by some of those nations. This was a significant

politico-diplomatic achievement for the LTTE since it could also get virtually excluded from the broad category of “Terrorists of Global Reach” targeted by the US-led coalition.

The legitimacy and status granted through the de-proscription of the LTTE in Sri Lanka enabled it to freely engage international actors (both state and non-state) and to liberally travel in the Europe and in several other countries such as Thailand. The GOSL’s decision to de-proscribe the LTTE also would have caused a negative effect on the proscription that was in effect in several countries. The ground reality as of today is such that the LTTE, having partially or completely eliminated all other insurgent groups and the TULF, has appeared in the politico-diplomatic arena as the sole contender for a separate state in Sri Lanka.

#### The Growth of Informational Power

The informational element of power is decisive and fundamental for the success of an insurgent organization waging a protracted war that is orchestrated and fought among people. By the end of 1985 peace talks, the LTTE attained recognition as one of the legitimate representatives of the Tamil people and won the hearts and minds of many Tamil people though the citizenship granted by the GOSL for a large number of Indian Tamils. The publicity gained among both local and international community during these overseas peace talks is also noteworthy as a major achievement of its movement.

Subsequently, during the second round of negotiations held during 1989-90 period, the LTTE had several victories for its emerging propaganda campaign. The LTTE could shrewdly attribute the IPKF’s withdrawal to its credit and gain reputation among Tamil people, who eagerly waited for such eviction. The LTTE could also enjoy world-wide publicity as a formidable terrorist outfit that outmaneuvered one of the largest



armies in the world, the Indian Army. This also became a morale booster for its cadres, who were physically and psychologically overwhelmed by the annihilation process of the IPKF. Most importantly, the President Premadasa conducted direct and open talks only with the LTTE, giving it an unassailable measure of recognition and status as the sole negotiator representing the Tamils.

In the case of 1994-95 peace talks, the most significant achievement of the LTTE was the GOSL's official declaration that the Tamil people have genuine grievances for which solutions must be found. These negotiations also gave it the much needed status and recognition through the GOSL's decision to send its negotiators to Jaffna, the de facto capitol of the LTTE held areas, for the first time in the history of the peace talks. By this time the LTTE could attain the indisputable recognition as the sole legitimate representative of the Tamil people to directly negotiate with the GOSL, irrespective of the political party in power; either the UNP or the SLFP that represented the majority of the Sinhalese population.

By the time the UNP led government entered into the last round of negotiations in 2002, the LTTE could gain the long-awaited parity of status with the GOSL by signing a MoU, whilst being overwhelmingly isolated among the international community waging a GWOT. On the other hand, the GOSL's proposal to establish an interim administration, which exceeded the limits of all the political structures that were proposed and negotiated during the previous occasions, provided it an opportunity to increase their bargaining price in the future. Similarly, the GOSL's refusal to the LTTE's proposal for the establishment of an ISGA, gave it the sympathy and an opportunity to spread the fallacy

among the international community that the GOSL is not prepared to compromise a peaceful political solution.

The induction of a foreign monitoring mission for the first time in the history of the conflict to monitor activities of both parties within clearly demarcated separate areas under the control of the GOSL and the LTTE as well as zones of separation created a situation similar to truce monitoring in an international conflict. This framework became strategically and fundamentally advantageous for the LTTE since it attained the status of a de facto sovereignty (see articles 1.4 thru 1.8 of appendix A).

This analysis can not overlook the golden opportunity given for the LTTE during a crucial period, where the international terrorists were under enormous pressure and threat of GWOT, for free and easy access to global media networks. Consequently, it could effectively deliver messages of an elusive peace whilst propagating the misleading notion that its movement is a freedom struggle. The LTTE were also benefited with the outcomes of its unilateral withdrawal from negotiations, as the Tigers could secure their position on the demand for a separate state without compromising the credibility of the organization. Furthermore, the Tigers got the opportunity to quote valid reasons to suspend talks as they were excluded from the donor conference held in Washington in April 2003, concealing all other unjustifiable reasons to unilaterally disengage from the negotiations process.

### The Growth of Military Power

By the time the LTTE disengaged from the Thimpu Talks of 1985, it had gained an assortment of major military triumphs. The Tigers could regenerate their lost combat power whilst containing the government forces freedom of action and eliminating peer

insurgent groups during the lull of negotiations. It is quite logical to conclude that the LTTE, which involved in isolated small scale attacks and sabotage activities with a small band of Tamil youth during the late 70s and early 80s, could expand into a classic guerilla outfit with a definite political agenda by the end of 1985. As the negotiations ceased, the LTTE inherited a significant portion of the Tamil separatist insurgency as a result of the whole process of negotiations with the GOSL, which conversely lost control over a considerable percentage of its territory and population in the north and east.

The LTTE, being isolated from the other Tamil insurgent groups, could avoid the threat of total elimination by an overwhelmingly superior foreign military force and reemerge as a credible insurgent force in the twilight of IPKF's withdrawal from Sri Lanka under the patronage of the late President Premadasa during 1989-90 talks.

Moreover, the LTTE was benefited with a free flow of weapons and financial assistance, prior to the peace talks and managed to recuperate most of the losses incurred during its attrition war with the IPKF. By the time it disengaged from negotiations, the LTTE was better prepared for another period of protracted violence as it possessed initiative and strength to preempt the unprepared security forces during the early stages of the Ealam War 2.

The 1994-95 negotiations brought an array of benefits for the LTTE during a period of minimal external support. Above all, the Tigers got a refreshing operational pause after four years of attrition warfare to stockpile colossal quantities of much needed operational logistics to reconstitute its weakened military power. This was accomplished by intensifying their illegal maritime operations to seamlessly smuggle foreign military

hardware and by fortifying their defenses and bunkers with unhindered flow of materials that were formerly banned in the north and east.

Most importantly, the LTTE got an opportunity to recruit, regroup and retrain its cadre and expand the military wing for the next offensive whilst enjoying a virtual indemnity from a preemptive strike by the security forces, assured by the GOSL's decision to cancel a large consignment of military hardware restricting its combat effectiveness. The acquisition of strategic weapon systems to hinder the air supremacy that had been enjoyed by the Sri Lanka Air Force during previous years can be attributed as one of the greatest accomplishment of the LTTE military wing during the 1994-95 negotiations.

The peace talks and indefinite cease-fire period commenced in January 2002 brought the LTTE immense benefits and advantages that it could not gain during all other periods of negotiations and resulted in a strategic equilibrium with the GOSL during a critical era of being internationally and locally isolated. The LTTE commenced harvesting desirable outcomes from the early stages of the negotiations process onwards.

As a result of the agreement made to resume talks with the GOSL it entered into a long awaited cease-fire as an operational pause to regenerate combat power that it could not materialize with the previous government for seven years. Most importantly, it escaped from being a virtual target of the GWOT declared by world powers that could have enabled the GOSL to effectively weaken it or at least contain its military power with an overwhelming external support. On the contrary, the internationalization of the peace process through an international monitoring mission became advantageous for the LTTE

as it largely hindered the freedom of action of the government forces against the LTTE's provocative actions,

The LTTE was also benefited from several other outcomes of the MoU that became extremely desirable for its growth and survival. The insurgents were allowed with free access to the GOSL controlled areas and merge with the Tamil population. As a result, they could increase their cadre by intensifying a vigorous recruitment drive by both forceful and voluntary means, including the conscription of child soldiers within the GOSL controlled areas under the guise of political activities. With not much difference from previous occasions, they could undertake unhindered illicit shipping activities and smuggling of warlike materials into the Island from overseas and trouble free onward distribution of such consignments among their camps.

#### The Economic Growth

The 1985 period of negotiations enabled the LTTE, simultaneously with other insurgent groups to appear on streets and collect money from the local population, an opportunity that was not available during days of plundering banks for quick money. Within few years, the LTTE was blessed with funds from the state coffer as it made a deal with the GOSL to expel the IPKF during the 1989-90 negotiations. Additionally, it introduced an effective system of taxation targeting those wealthy families that had business ventures or children sending money from abroad.

At the time of LTTE's entry to the 1994-95 negotiations, it had taxed all types of local business ventures through its tax assessors and collectors, who maintained accurate figures on their clients all over Sri Lanka including the wealthy Tamil merchants in the city of Colombo. Additionally, the target group for collecting funds for the tacit

“National Security Fund” included government servants as well. These measures would have enabled the LTTE to compensate certain losses incurred on its foreign funds due to the newly introduced UN sanctions and freezing of illicit funds. Nevertheless, the LTTE continued to generate foreign revenues through its shipping lines that undertook smuggling of arms and ammunition to the shores of Sri Lanka from overseas.

In the case of 2002-03 peace talks cum cease-fire period, the LTTE was able to undertake its illicit money making ventures quite openly and liberally. The insurgents got the opportunity to collect funds from the average Tamil population as well as from the wealthy business community through taxes and various other unlawful means within the areas controlled by the GOSL. Moreover, they collected money from the vehicles and passengers using highways running in and out their areas. Additionally, the LTTE could monopolize the trading of all the fast moving merchandise within the North and East.

The broad analysis on the four periods of negotiations and the intervening periods of protracted violence reveals that the overall outcome of the conflict has been desirable for the growth of the LTTE’s politico-diplomatic, informational, military, and economic elements of power. Paradoxically, the LTTE continued to grow and survive whilst attacking the GOSL’s cohesion and gradually diminishing its national power over the period of last 23 years.

### Recommendations

Recommendations derived from the literature review and the four case studies are of two types: (1) for future students of internal conflict resolution to conduct further study on the spectrum of subjects that were involved in the research, and (2) for action by those legitimate counterinsurgents around the world (including the GOSL), who are enmeshed

in protracted conflicts that are detrimental to the universally recognized democratic way of governance as well as for the peace and prosperity of the world that is inexorably interdependent and interconnected in an era of globalization.

#### Recommendations for Further Study

As a result of limitations explained in the chapter 1, it was unfeasible to conduct an in-depth study on all the insurgencies around the world to support the thesis. However, it is perceived that the conduct of a single case study of a separatist insurgency from a different region of the world or of an insurgency which is not necessarily “separatist” in nature, would not only test the author’s hypothesis but also increase the analytical literature available in the field of military art and science.

On the other hand, this research did not focus on the negative or positive effects that are incurred on the government or the legitimate counterinsurgent that engage in negotiations with separatist insurgents. It is believed that the conduct of a separate research effort encompassing such effects on the counterinsurgents during asymmetric negotiations would also enhance the wealth of knowledge on the subject that was discussed.

#### Recommendations for Counterinsurgents

The recommendations derived can be implemented during various stages of the negotiations process by employing all elements of national power of the legitimate counterinsurgent. The author also intends to make certain recommendations specifically for action by the GOSL.

### During Periods of Protracted Violence

All leading political parties including the ruling party, the main opposition party and other minority parties that represent the state legislature should arrive at a consensus on long term and short term agendas to engage insurgents during both periods of protracted conflict and negotiations if periodic shifts between these two choices are inevitable. Such a consensus is necessary to ensure that successive governments do not lose the concentration and integrity of the previous government's policy thereby preventing the insurgents from exploiting weaknesses and seizing opportunities locally and internationally during the period of negotiations.

All efforts must be made to avoid the population being mobilized and involved (physically or psychologically) in the conflict, since it is imperative to maintain its will to fight and ensure that necessary means (the nation's budget) and manpower are maintained so that the ways of the counterinsurgent (the military power) are not hindered due to economic and informational constraints until the attainment of desired ends (defeat or weakening of insurgents militarily coercing for a negotiated settlement)

The government must maintain strategic surveillance on developments taking place in the international arena to ensure that the local fight is well synchronized with developments and changes in the information environment. Such an approach is pivotal in the area of human rights, Geneva conventions, and UN resolutions on combating terrorism, in order to ensure that external factors do not negatively affect the counterinsurgent's strategic courses of actions.

The GOSL needs to formulate a long term national security strategy that will provide necessary guidance for a robust defense strategy and a viable military strategy



which will not be altered or changed merely due to political interests of changing administrations. Most importantly, in consensus with all political parties, the GOSL of the day should seriously consider changes in an electoral system that has not provided an opportunity to establish a strong and a lasting government for the last two decades.

#### Prior to Making Offers and Counteroffers to Negotiate

The government should do a “costing” prior to making an offer or a counteroffer to negotiate in terms of the overall advantage gained through the gains and losses that may incur on the interests of the state. Furthermore, the government needs to clearly establish the motive or the intent behind the insurgents’ offer for negotiations through its national intelligence assessments and by evaluating the trends in the international arena to ensure that the conflict has truly reached its “ripeness.”

In making counteroffers, the government should be sure to not to compromise the fundamentals of the national security strategy or the underlying interests of the state for the sake of adopting measures of goodwill or accommodating insurgent needs. This approach to making offers or counteroffers will ensure the counterinsurgent’s military capabilities are not jeopardized. In the case of the GOSL, there should be a consensus on such counteroffers among other political parties through an all party conference convened at the state level in order to overcome “procedural problems” that might encounter during the next stage of negotiations. Most importantly, the government should identify the best alternative to a negotiated agreement and strengthen the same with the moral support and consensus of the other leading political parties in order to create conditions for faultless implementation with minimum negative outcomes.

### Prior to Making Agreements to Negotiate

The government in accord with the insurgents must conduct several rounds of “pre-negotiations” to set up a robust mechanism for observing and enforcing any cease-fire agreement and for taking remedial actions against violations. Such a mechanism is pivotal for the strict observance of the cease-fire agreement and is of vital importance to prevent insurgents retaining the initiative to suspend negotiations and resume violence by inflicting irrevocable damages to the government. Ideally, such a mechanism can be comprised of actors representing both internal and external stake holders of the conflict.

Both parties should reach a consensus on a mechanism to maintain “track two diplomacy” concurrently with the formal negotiations to tackle issues other than core issues such as arms control, peace building measures, and psychological concerns. “Track two diplomacy” is also of great importance to overcome periods of “impasse” in the formal negotiations process and to discuss possible “disarming strategies.” Most importantly, a principal agreement should be made on a predicted timeline for the actual negotiations process and on an outline for the final agreement. This will enable parties to seamlessly overcome possible conflicting situations over interim agreements.

Since it is perceived that the present leadership of the LTTE lacks adequate legal status to enter into a final agreement that will result from negotiations, the GOSL should either grant an amnesty or apply pressure on the LTTE to prove the possibility of reaching a lasting solution under the leadership of Velupillai Prabhakaran. Moreover, the GOSL should also propose the LTTE agree upon an outline of a political solution, which is not exceeding the limits of the state government of Tamil Nadu in India, which has worked well for more than 6.2 million Tamils since the independence of India. These two

fundamental proposals should diminish the LTTE's bargaining power. The explicable failure of the LTTE to meet the aforesaid proposals should be compensated with an outline for a statesman like solution that will be acceptable by the stake holders of the conflict and recognized by the other democracies around the world.

#### During the Period of Negotiations

If the government is unable to militarily engage the disputed or ungoverned areas during the period of negotiations, it should formulate and implement short term action plans to engage such areas using other elements of national power. Particularly, it should push the development of infrastructure to include highway systems, grid electricity, water supply, and public utilities with the support of international powers, creation of employment opportunities by encouraging multinational investors to open man power oriented ventures at least in border areas, and improve the quality of life by providing easy and cheap access to basic utilities, as well as free education. The overall result of these measures will be to discourage the insurgents from using heavy lethal effects within economically and socially developed areas on resumption of violence while discouraging the local population from joining the insurgent movement as they are employed and the hopes of life are restored.

The local population should be engaged with the informational element of the national power (the state and non-state media) in order to spread messages on the dividends of a lasting negotiated settlement that could be reached within reasonable limits of time and effort. It is imperative that such messages not be based on ethnically oriented themes and be disseminated indiscriminately in order to ensure that the target audience is indirectly but effectively addressed.

It was found that the GOSL has not been able to conduct a comprehensive census within the provinces of north and east for over two decades. The GOSL will be able to gain following strategic advantages by conducting a comprehensive census in the north and east during negotiations: (1) denial of the LTTE's ability to exaggerate demographic statistics of the north and east for their advantage, (2) prevention of government funds and resources flowing into the hands of the LTTE as the social security aids dispatched by the GOSL in excess of the actual amount required for the physically available population (the LTTE is also being fed by the common budget), and (3) improved ability to assess the LTTE's combat effectiveness in terms of potential strength of man power that can be mobilized at a given time.

In the case of formal negotiations process, the foremost requirement is to ensure that both parties adhere to the pre-negotiations consensus made on the outline of the final agreement, timeline, and a venue or venues for talks. The adherence to a prenegotiations consensus is essential to commence "principled negotiations" that will basically focus on "core issues" through an "interest-based problem solving" process. Most importantly, the government should be certain of the goals to be achieved at the end of each stage or phase of negotiations whilst anticipating what the insurgents may expect. This will prevent the negotiations being ended in a prolonged impasse without reaching either interim or final agreements on core issues that have been tabled. Such an impasse will invariably allow the insurgents to "kill" time for its growth and survival.

As far as the government's negotiators are concerned, they need to recognize the "moderates" of the other side of the table in order to effectively and progressively enter a "soft bargaining process" that will lead to reconciliation rather than engaging the

“extremists” of the insurgent’s party, who may lead the talks through a “hard bargaining process” through an “adversarial approach” that usually ends with the suspension of negotiations over a period of time.

In the meantime, the government should embark on a vigorous propaganda campaign disseminating the positive outcomes of the negotiations process keeping the important international actors and the domestic stake holders informed about the negative outcomes of each stage of the negotiations and a forecast of possible events that may be triggered by the insurgents. Information superiority is of utmost importance for the success of negotiations as well as for the accomplishment of diplomatic, military, and economic objectives of the government during the period of negotiations.

In the case of negotiations between the GOSL and the LTTE, the GOSL should necessarily seek credible assistance from a reliable facilitator, who would prevent or mitigate possible “tactical escalations” triggered by the LTTE during the process of formal negotiations for their own advantages. Most importantly, the existing legislative enactments and the law of the land should not be relaxed or overlooked as measures of reconciliation to satisfy the LTTE’s secret needs. On the other hand, the GOSL should nominate a delegation of experienced and reliable negotiators with adequate authority, who would be able to represent the interests of the state, the Muslims, the other Tamil political parties, and the Tamil population in the areas other than the northeast.

#### Prior to and During the Withdrawal

The counterinsurgent’s negotiators should make a continuous assessment of the progress of each round of negotiations and submit the same for the national leadership and other political parties for necessary policy changes for employing the elements of

power to coerce the insurgents to adhere to the initially made consensus on the conduct of negotiations. If a progress is not made in creating an “affirming environment” to continue with meaningful talks, the government, in agreement with all the stake holders, should formally suspend the negotiations and resort to its BATNA, which enables the employment of its national power to coerce the insurgents to resume negotiations.

### Summary and Conclusions

The findings of case studies 2, 3, and 4 are that insurgents seek to negotiate when their organization is weakened and their survivability is at risk or threatened during a particular period of protracted violence. All four case studies clearly indicate that the insurgents agreed counterinsurgent requests to negotiate whenever they realized that the asymmetry between them and the GOSL had been increased and their credibility was disputed, particularly during times of being locally and internationally isolated, where they were desperately in need of time and space to reconstitute their strategy and rehabilitate their organization both physically and psychologically. It was found during the case studies 2 and 4, that the insurgent’s offer to negotiate gave them renewed status and recognition as a moderate insurgent organization that seeks peaceful means to resolve a conflict and avoid being totally eliminated by the GOSL with external support from a regional power and world powers waging GWOT respectively.

All four case studies proved that insurgents benefited both tangibly and intangibly from the government’s counteroffers in negotiations and vice versa. It was found that the outcomes of mutual agreements became beneficial for the insurgents during all four case studies, as they could avoid further attrition and attain a measure of status and recognition. The portrayal of such recognition in the eyes of local community, who could

no longer bear the agony of protracted violence as well as of the international community, whose opinion was critical for the existence of the insurgents and the conduct of their war. All four case studies unearthed adequate evidence to prove that the insurgents benefited more politico-diplomatically, informationally, militarily, and economically during the actual negotiations stage than during any other stage of the asymmetric negotiations process.

All four case studies show that the insurgent's unilateral withdrawal from negotiations benefited them with intangible means such as the initiative that they retained when resuming war and the justifiable reasons that they could cite for such withdrawal in order to protect their political identity among their community as well as in the international scene. During case studies 1, 2, and 4, it was found that the insurgents benefited from interim agreements made with the government as far as the elevation of their political identity as the sole representative of their people, contending status with the insurgents, and the recognition as a credible insurgent organization are concerned. These findings provided a combination of answers to the primary research question; how do separatist insurgents use negotiations for their growth and survival?

The implementation of recommendations made in conformity to the findings of this research requires innovation and prudent visualization by counterinsurgents with a particular emphasis on the underlying sociological and cultural interests as well as the political, diplomatic, economic, and military capabilities of the respective states and their peoples. Most importantly, credible external support and the people's will to fight are fundamental to a sustainable and a successful course of action by the counterinsurgent to end the conflict with either politico-diplomatic or military means.

## GLOSSARY

**Accommodating.** A style of dealing with conflict in which the needs of others overwhelm one's own, in an effort to be diplomatic; characterized by submissive communication; also known as smoothing.

**Adversarial Approach.** The adversarial approach to a conflict sees the other party or parties as an enemy to be defeated. It can be compared to the problem-solving approach which views the other party or parties as people who have a common problem that needs to be jointly solved. The adversarial approach typically leads to competitive confrontation strategies, while the problem-solving approach leads to cooperative or integrative strategies for approaching the conflict situation.

**Affirming Environment:** A positive, respectful atmosphere in which to communicate.

**Amnesty.** The granting of a pardon for past offenses--especially political offenses--including, for example, human rights violations and war crimes.

**BATNA.** BATNA is a term invented by Roger Fisher and William Ury which stands for "best alternative to a negotiated agreement." Any negotiator should determine his or her BATNA before agreeing to any negotiated settlement. If the settlement is as good as or better than one's BATNA, the agreement should be accepted. If the alternative is better, it should be pursued instead of the negotiated settlement. When one party's BATNA is good (or even if they just think it is good), they are unlikely to be willing to enter into negotiations, preferring instead to pursue their alternative option.

**Compromise.** A solution to a mutual problem that meets some, but not all, of each of the parties' interests.

**Conflict Management.** This term refers to the long-term management of intractable conflicts and the people involved in them so that they do not escalate out of control and become violent.

**Conflict Resolution.** This term (along with dispute resolution) usually refers to the process of resolving a dispute or a conflict permanently, by providing each sides' needs, and adequately addressing their interests so that they are satisfied with the outcome.

**Consensus.** Consensus decision making requires that everyone agrees with a decision; not just a majority as occurs in majority-rule processes. In consensus-based processes, people must work together to develop an agreement that is good enough (though not necessarily perfect) that all of the people at the table are willing to agree to it.

**Core Issues.** We distinguish between core issues in a conflict, which are the fundamental interests, values, and needs which are in conflict with each other, and



- complicating factors, which are dynamics such as communication problems or escalation which, while common, are usually extraneous parts of the conflict which confuse the core issues and make them more difficult to understand and deal with.
- Costing.** Costing is the process of assessing the costs and benefits of a particular action; not only in monetary terms, but in terms of time, resources, emotional energy, and other intangible effects on people's lives.
- Disarming Strategies.** Disarming strategies are actions that are designed to break down or challenge negative stereotypes. If one person or group is seen by another as extremely threatening and hostile, a gesture of friendship and goodwill is a disarming move, which will alter perceptions of the other and can significantly de-escalate the conflict.
- Extremists.** Parties to a dispute who hold extreme, strongly held, convictions about the right positions and solutions in a conflict; often the strongest voices in a multi-party dispute
- Facilitator.** One who makes the process easy; a person empowered by the group to manage a group process (e.g., a meeting).
- Hard bargaining.** This is a term used to refer to adversarial, competitive bargaining that assumes that the opponent is an enemy to be defeated, rather than a partner to be worked with cooperatively.
- Impasse.** A point at which conflicting parties feel “stuck” and no longer able to find effective solutions; often a normal phase of the conflict resolution process.
- Interest-Based Problem Solving.** Interest-based problem solving defines problems in terms of interests (not positions--see immediately below) and works to reconcile the interests to obtain a mutually-satisfactory solution.
- Moderates.** Parties to a dispute who tend to be able to see valid aspects of each perspective and have greater flexibility about potential definitions of the negotiating space; often will be reluctant to express views in a multi-party dispute.
- Parties.** The parties are the people who are involved in the dispute. Most parties are disputants--the people who are in conflict with each other. Other parties--often called “third parties,”--are parties that intervene in the dispute to try to help the disputants resolve it. Mediators and judges, for example, are third parties.
- Peace Building.** Peace building is the process of restoring normal relations between people. It requires the reconciliation of differences, apology and forgiveness of past harm, and the establishment of a cooperative relationship between groups, replacing the adversarial or competitive relationship that used to exist.

**Prenegotiation:** The intervention of a concerned third party encourage participation in the negotiation or discussion process; can take place prior to or between meetings; an initial phase of the mediation process, where mediator meets with each party prior to a joint session.

**Principled Negotiation.** This approach to negotiation was developed by Fisher and Ury and first presented in their best-selling book, *Getting to Yes*, in 1981. Basically an integrative negotiation strategy calls for “separating the people from the problem,” negotiating on the basis of interests rather than positions, identifying options for mutual gain, and using objective criteria to judge fairness of any proposed settlement.

**Procedural Problems.** Procedural problems are problems with decision-making procedures. Examples are decisions that are made without considering relevant and important facts, decisions that are made arbitrarily without considering the interests or needs of the affected people, or decisions that are made without following the established and accepted process. Often, procedural problems can intensify and complicate disputes which could be resolved relatively easily if proper procedures were followed.

**Psychological Concerns:** Issues that relate to the emotional well being of group members, such as safety, trust, and integrity concerns.

**Reconciliation.** Reconciliation is the normalization of relationships between people or groups.

**Ripeness.** A conflict is said to be “ripe” for settlement or negotiation when it has reached a stalemate, or when all of the parties have determined that their alternatives to negotiation will not get them what they want or need. In this case, they are likely to be ready to negotiate a settlement which will attain at least part of their interests--more than they are getting otherwise or stand to get if they pursue their force-based options further.

**Soft Bargaining.** This is a term used to refer to very cooperative, conciliatory bargaining that focuses primarily on reaching an agreement and not making the other side upset.

**Stakeholders.** Stakeholders are people who will be affected by a conflict or the resolution of that conflict. It includes current disputants, and also people who are not currently involved in the conflict but might become involved because they are likely to be affected by the conflict or its outcome sometime in the future.

**Stalemate.** A stalemate is a standoff; a situation in which neither side can prevail in a conflict, no matter how hard they try. Often parties must reach a stalemate before they are willing to negotiate an end to their conflict.

Tactical Escalation. This is intentional escalation, when one (or multiple) parties escalate a conflict on purpose to try to mobilize support for their own side.

Track Two Diplomacy. Track two diplomacy involves unofficial dialogue, discussions, or even negotiations between ordinary citizens about topics that are usually reserved for diplomats--for instance about arms control agreements, or negotiations to end to long-standing international conflict. It is differentiated from Track One diplomacy which involves formal discussions between official diplomats

## APPENDIX A

### AGREEMENT ON A CEASE-FIRE BETWEEN THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA AND THE LIBERATION TIGERS OF TAMIL EELAM

Preamble:

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

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

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore, the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants.

With reference to the above, the Parties have agreed to enter into a cease-fire, refrain from conduct that could undermine the good intentions or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

Article 1: Modalities of a cease-fire

The Parties have agreed to implement a cease-fire between their armed forces as follows:

1.1 A jointly agreed cease-fire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2, hereinafter referred to as D-day.

Military operations

1.2 Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as :

- a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
- b) Aerial bombardment;
- c) Offensive naval operations

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

#### Separation of forces

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

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

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

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

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

#### Freedom of movement

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

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

1.11 The Parties agree that individual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas under the control of the other Party. Such visits shall be limited to six

days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna - Kandy road for this purpose. The Parties reserve the right to deny entry to specified military areas.

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

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

## Article 2 : Measures to restore normalcy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Article 3: The Monitoring Mission

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

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

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

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

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

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

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

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

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

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

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

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

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



3.13 Guidelines for the operations of the SLMM shall be established in a separate document.

#### Article 4: Entry into force, amendments and termination of the Agreement

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

4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.

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

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

Annexes:

Annex A: List of goods

Annex B: Checkpoints.

#### ANNEX A

The Parties agree to ensure the flow of nonmilitary goods to and from LTTE dominated areas of the Northern and Eastern Province, as well as unimpeded flow of such goods to the civilian population in these areas. Non military goods not covered by article 2.6 in the Agreement are listed below:

Nonmilitary arms and ammunition

Explosives

Remote Control Devices

Barbed Wire

Binoculars

Compasses

Penlight Batteries

Diesel, petrol, cement and iron rods will be restricted in accordance with the following procedures and quantities

Diesel and Petrol

The Government Agents (GA) will register available vehicles; tractors and motorcycles

in the LTTE controlled areas. The GA will calculate the required weekly amount of diesel and petrol based on the following estimate:

Trucks/Buses - 250 litre/week  
4 wheels tractor - 310 litre/week  
2 wheel tractor - 40 litre/week  
Petrol vehicle - 30 litre/week  
Motorcycles - 7 litre/week  
Fishing vessel - 400 litre/week

#### Cement

Cement required for rehabilitation and reconstruction of Government property; registered co-operatives; or approved housing projects implemented by the GOSL and international NGOs and more affluent members of the society; will be brought in directly by relevant institutions under licenses issued by Government Agents. The GA shall stipulate the monthly quantities permitted for such project based upon planned and reported progress.

Cement required for individual shops/construction/house owners/rehabilitation-initiatives will be made available through the co-operations on a commercial basis. The monthly import for this purpose will be limited to 5,000 bags during the first month and thereafter 10,000 bags/month. Individual sales by the co-operatives will be registered and limited to 25 bags per household.

#### Iron rods

Iron rods for building constructions will be brought in to the LTTE controlled areas under licenses issued by the GA.

A monthly re-assessment will be made to assess the possibilities of removal of the above restrictions.

### ANNEX B

Checkpoints agreed in Ch.2.7 are as follows:

Mandur , Paddirupur , Kaludaveli Ferry Point, Anbalantivu Ferry Point, Mamunai Ferry Point, Vanvunateevu, Santhiveli Boat Point, Black Bridge, Sitandy Boat Point, Kiran bridge, Kinniyadi Boat Point, Valachenai, Makerni, Mahindapura, Muttur, Ugilankulam, and Omanthai.

*Source: The Official Website of the Sri Lankan Government's Secretariat for Coordinating the Peace Process, Available at*  
<http://www.peaceinsrilanka.com/peace2005/Insidepage/Agreements/agcease-fire.asp>

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