

## **Table of Contents**

- Question 1 - Page 1
- Question 2 - Page 1-2
- Question 3 - Page 2
- Question 4 – Page 2
- Question 5 – Page 2-3
- Question 6 – Page 3
- Question 7 – Page 3-4
- Question 8 – Page 4
- Question 9 – Page 4
- Question 10 – Page 4-5
- Question 11 – Page 5
- Question 12 – page 5
- Question 13 – Page 6
- Question 14 – Page 6
- Question 15 – Page 7
- Question 16 – Page7-8

1

Mediation can be regarded as the role of a third party in a conflict situation, in simple terms, the role of “peacemaker”. As such, mediation is the process and activities fulfilled by the mediator in attempting to either resolve or deescalate a conflict, whether it is a violent conflict or otherwise. As per Höglund and Svensson: “Mediation is based on non-coercive engagement with the contestant parties and involves a series of activities to manage, or solve, a conflict” (2009 : 178).

According to Höglund and Svensson (2009: 177), “facilitation is commonly seen as one task a mediator can perform”. As stated in the above quote, facilitation can be seen as one aspect of this mediation, not as a synonym for mediation itself. Whereas mediation includes several different activities such as the procurement of funds for the mediation effort, raising awareness of the process and actors internationally, and the drafting of required documents, facilitation itself is the aspect of this process wherein mediators attempt to improve and maintain communication between the primary factions of the conflict, and as such “assist” these parties to find a solution between themselves.

2

The motives of the mediator is extremely important, as it can directly affect the outcome of a conflict and the lives, and quality of living, of large numbers of people, and needs to be understood before the international community confers legitimacy on the process. Höglund and Svensson (2009 : 178) identifies : “[T]hree different sources from which mediation rewards arise: rewards relating to the conflict itself; rewards emerging from the domestic constituency; and rewards found in the international and regional context.

First mentioned is the rewards relating to the conflict itself, which envelops any interest the mediating nation(or other international actor) has in either ending or continuing the conflict. The region in conflict perhaps has natural resources that a mediating nation wishes access to, or a military base or installation the mediator wishes to utilize, which the conflict stands in the way of, or the conflict has a negative impact on a nation that the mediating nation is in opposition to, in which case a prolonged conflict might be advantageous for the mediator. These are rewards directly related to the conflict at hand.

Secondly, the domestic aspect. Achieving success in an international mediation effort can be broadcast domestically as a triumph for the government of the mediating nation, creating political gain for the incumbent governing body or party by stoking national pride, distracting from internal difficulties, or simply to distinguish the government from an opposition party or figure.

It is also possible that a mediator wishes to be involved because of a strong domestic opposition to a conflict, or merely a local belief in a value system that contradicts war, and as such would encourage a government to help end a conflict situation.

Thirdly mentioned are the rewards possibly to be found in a regional or international context. These rewards are not directly linked to the conflict, but are based more on international perception, publicity, and public relations and reactions. Using Norway and its involvement in Sri Lanka for example: “Beyond concerns about a bolstered international

image, such positive attention for Norway can have spill over effects that can be positive for public relations, trade relations and other national interests in the longer term” (Höglund and Svensson 2009: 179). Thus, the promotion of Norway’s international image and perception can be viewed as a motivation for the country’s involvement in a peace-maker role. ✓



3

Höglund and Svensson (2009: 178) notes that “the parties may be stuck in what has been denoted a ‘mutually hurting stalemate’ and seek ways to escape this costly deadlock”, bringing to light the first of two main motivations for accepting mediation. Firstly, if conflicting parties arrive at a ‘stalemate’ situation in which neither can make significant progress towards victory, and as such, both are losing resources, manpower and motivation, a mediated resolution to the conflict is more likely. Mediation can be seen as a positive step in such a situation as it does not necessarily mean that a involved party has to ‘lose’, and as victory seems out of reach, not admitting defeat and attempting to move forward could appear to be the best conclusion to the conflict at hand. Secondly, “the government, as well as the rebels, may have a sense of optimism about the potential to reach mutually beneficial solutions to the conflict” ( Höglund and Svensson 2009 : 178), a situation in which mediation can be seen as an inviting prospect for both parties. This is possible when the available mediator is seen in a positive light and is trusted to provide a mutually beneficially solution to the conflict, eliminating the need for further violence. ✓

4

Höglund and Svensson states : “In internal armed conflicts, there are also basic asymmetries that influence the selection of mediators” (2009: 178). This merely states that the different factions (or sides) in an internal conflict are not on equal footing and have different objectives in mind, and that this will influence the choice of entering into negotiations, and the negotiator itself. For instance, a rebel or liberation movement can gain international recognition (or claim to) by the involvement of a foreign mediator, which would be to their favour but to the detriment of the position of the government of the country. Using this recognition as a basis for international presence and legitimacy, a rebel movement would be more likely to wish for a mediator which is of high prominence internationally as it would ensure likely more publicity and international exposure. ✓

5

Höglund and Svensson identify three reason as to why Norway find the ‘peace-maker’ role attractive. Firstly: “Norway is seen to have comparative advantages, and is particularly suited for undertaking mediation activities” Höglund and Svensson (2009: 179). This suitability is based on the fact that Norway has the resources to bankroll such attempts, a history generally lacking in internal conflicts, a history of involvement in international ✓ mediations, as well as a supportive population with strong humanitarian interests. This fortunate combination enables Norway to more easily assume the role of mediator, and as

such it finds it more attractive than other nations might, and perhaps a sense of obligation to do so.

A second factor is that “[e]ngaging in peace efforts promotes a national image as a great, moral power.” (Höglund and Svensson 2009: 179). Norway has an interest in a peace-making role as it fits into the country’s self-perception, both by the country’s leadership and by the general public. Thus continual involvement in international mediation and peace-making attempts supports this perception, as Norway (and Norwegians) believes it has a major role to play in promoting international peace and stability.

“Beyond concerns about a bolstered international image, such positive attention for Norway can have spill over effects that can be positive for public relations, trade relations and other national interests in the longer term” (Höglund and Svensson 2009: 179). Thus, the promotion of Norway’s international image and perception can be viewed as the third main motivation for the country’s involvement in a peace-maker role. As the country has little economic and political prominence internationally, being involved in international mediations enhances Norway’s image and promotes its interests in various fields. Improved access to important global institutions and political powerhouses, such as the I.M.F, World Bank, and various heads of state is another benefit granted by these mediation attempts, as these institutions are also involved in international processes.

6

Critics of Norway’s involvement have levelled accusations that the involvement was motivated by self-interest and bias, specifically “Norway’s economic interests in Sri Lanka, neo-colonial aspirations, [and] its supposed support to terrorism and the LTTE” (Höglund and Svensson 2009: 179).

These accusation are primarily from Sinhalese Buddhist origins, a nationalist ideological movement who are opposed to the LTTE, and seem to hold little value as these claims have been convincingly countered. There is, however, an argument that Norway could have been “‘misinformed’ about existing realities in the war-torn eastern parts of the country because they rely too much on the Diaspora, which is mainly from the north, and are supporters of the LTTE” (Höglund and Svensson 2009: 180), and as such could have been susceptible to an unintentional bias.

7

A link between the LTTE’s inner circles and the Norwegian government could be argued to exist via Norway’s treatment of a LTTE spokesman early in the process of mediation, “[h]owever, after this initial contact, there has been little direct influence from the Tamil Diaspora on the Norwegian mediation efforts” (Höglund and Svensson 2009: 180).

Also, although a community of Tamils living in Norway did(and does) exist, arguing that they had an undue influence over the process seems to be counter to the “perception amongst representatives of the Diaspora in Norway that they have not influenced the Norwegian mediation efforts” (Höglund and Svensson 2009: 180).

The above-mentioned quotations serve to indicate that any link between the LTTE and Norway was of little importance in regards to influence over the process, and furthermore that Tamil community itself felt itself to have little or no impact on the matter.

8

“External mediation is particularly sensitive for the government side, since it leaves it vulnerable to the criticism that it is not sufficiently protecting the sovereignty of the state” (Höglund and Svensson 2009: 180)

State sovereignty is a concept that (among other factors) implies that the government of the state in question has sole authority and responsibility over the area and population contained within. Thus for a nation’s government to allow foreign mediation efforts (which could have effects within its borders) could seem to weaken that sovereignty, and thus the very legitimacy of the government and its authority, or at the very least make it *appear* weak and not fully in control, which would obviously be far from ideal in a situation where that government is already being challenged. The same could be said for any course of action that would convey a sense of legitimacy to the LTTE, as recognizing the group as a valid actor in the nation could appear to be an admittance of the weakening of the state’s power and control, and also strengthen the LTTE’s position, bargaining power and social standing. ✓

9

Aside from having a genuine hope for peace and a belief in a negotiated end to hostilities, there are other, less altruistic reason that a party, be it government or insurgent, would be open to the mediation process. With regards to the Sri Lankan conflict Höglund and Svensson found that “([i]n hindsight, it is evident that both sides used the ceasefire to re-arm and re-build their military capacity” (2009: 181).

Although not specifically linked to Norway except for their availability as mediator at that time, this goes to show the less peaceful motivations that could be applied to abuse the mediation process. In this case the conflicting parties used a cease-fire agreement to strengthen their combat readiness in preparation for further violence, and perhaps even an escalation of violence in the future. ✓

10

“As the major regional power, India has held a de facto veto on the involvement of external third parties into their sphere of influence” (Höglund and Svensson 2009: 182).

The relevance of India to the Sri Lankan conflict, and their influence over choice of mediator, is primarily based on the fact that they are the major regional power, both economically and militarily, and thus it was “generally acknowledged that any solution to the Sri Lankan conflict has to be endorsed by India if it is to be successful” (Höglund and Svensson 2009: 181). Thus a mediator acceptable to India was vital. As Norway and India had strong economic ties it was another factor in Norway’s favour, as it could be viewed that Norway, as a small country,

would try and find a solution favourable to India, to maintain and enhance its access to India's economic might and markets. ✓

11

Being the dominant global superpower, by default the United States has enormous international influence, and their support of any mediation process cannot be discounted. Internationally, it should be noted that “[f]ollowing 9/11, one of its top priorities has been to curb the international network of financing for terrorists and non-state armed groups” (Höglund and Svensson 2009: 182). There is no doubt that the LTTE was a non-state armed group, and additionally it was viewed as a terrorist organisation by many countries internationally, so it perfectly fits the bill for a group the US would be in opposition to. As Norway was regarded as an experienced, impartial mediator in high regard by most, if not all, Western nations, the US supported their mediation efforts to end the conflict and reduce the impact of the LTTE as an armed group and threat. ✓

12

The issue regarding bias in the mediation by Norway has been raised, as some considered Norway to be predisposed to the LTTE, considering Norway's toleration of the LTTE existing openly in the Norwegian Tamil Diaspora, as well as the fact that it has been argued that “Norway is too lax on terrorism and holds a generally sympathetic attitude towards non-state actors using armed means to pursue political aims.” (Höglund and Svensson 2009: 182)

This can however be disputed by noting the fact that Norway “has a long history of involvement in aid, trade and diplomatic relations with the government of Sri Lanka” (Höglund and Svensson 2009: 182), indicating that Norway had a good working relationship, and respect for, the Sri Lankan government, even though it did indeed have a better relationship with the LTTE than most other nations. ✓

An additional aspect worth noting is that due to the fact that Norway historically “supported the decolonization processes on a global scale” (Höglund and Svensson 2009: 183), and is viewed as anti-colonialist, it may have additional sympathy towards the Sri Lankan state.

Furthermore, the argument that Norway has been too lax on terrorism and non-state violent groups seem to disregard Norway's history and propensity for activity as a mediator and a desire to be seen as an unbiased international actor. It's tolerance for the LTTE should rather be viewed keeping the following in mind: “it could reflect a separation of roles, and Norway's propensity to act as an intermediary in internal armed conflicts around the globe, where too harsh an anti-terrorism legislation would hinder its possibilities to communicate with non-state actors.” (Höglund and Svensson 2009: 183). This view implies that Norway is reluctant to publicly judge and condemn groups such as the LTTE as it would make any future negotiation or mediation much more difficult, thus prolonging conflicts and suffering that an unbiased approach could have helped end. ✓

The Sinhalese Buddhist nationalist movement, in support of the Sri Lankan government, have been noted to use “their influence over the media and political discourse in the South” (Höglund and Svensson 2009: 182) to picture “the Norwegian mediators as foreign intruders, biased towards the LTTE side” (Höglund and Svensson 2009: 182). This faction thus have been portraying the Norwegian effort as being biased towards the Tamil faction in the conflict, as well as being neo-colonialist in intentions towards Sri Lanka, and additionally accusing Norway of being motivated by “Norway’s economic interests in Sri Lanka” (Höglund and Svensson 2009: 179). As such, the Sinhalese nationalist have attempted to create a negative image of Norway’s involvement in the media and social discourse, casting doubt on their impartiality and motives, while the Sinhalese Buddhist movement was also disparaging of the LTTE which it opposed ideologically and on the grounds that it viewed the LTTE as a terrorist organization.

Although impartiality is one of the three primary dimensions that Norway’s mediation was based on, it has been consistently criticized and accused of being biased in favour of the LTTE. As mediator, Norway obviously needed contact with both the Sri Lankan government and the LTTE, yet “because the Norwegian officials were among the few who were publicly in contact with the LTTE” (Höglund and Svensson 2009: 184-185), it was viewed that Norway was favouring and, in a sense, legitimizing the Tamil movement.

It seems apparent that Norway was simply doing its best to safeguard and advance the peace process, however in instances their choices was viewed as flawed, such as the fact that in “neglecting to criticize the LTTE for its behaviour and trying to act in a manner of ‘evenhandedness’ by the Norwegians and other international actors was basically detrimental to the long-term sustainability of the peace process” (Höglund and Svensson 2009: 185). This refers to the fact that Norway attempted to limit its criticism towards the LTTE for cease-fire violations in an attempt to keep the LTTE at the negotiation table, which put further strain on their image as impartial actor, and made it appear lenient and biased toward the Tamil faction.

Another issue regarding impartiality was in the matter of India, as the negotiation process “was built on the consent of the regional great power” (Höglund and Svensson 2009: 185), which happened to be a major economic power that Norway had strong fiscal links to. Firstly it could be argued that Norway’s mediation attempt would be biased towards a result favourable to India to remain in India’s good graces, and secondly the process could be viewed as being biased towards India because India “has held a de facto veto on the involvement of external third parties into their sphere of influence” (Höglund and Svensson 2009: 181). As such, offending or alienating India would put the entire process in jeopardy, which adds to an argument that Norway’s efforts were nor truly impartial.

“Norway has been instrumental in efforts to direct the attention and wider engagement of the international community towards Sri Lanka”(Höglund and Svensson 2009: 185). Directing attention to the Sri Lankan conflict, and increasing international dialogue and involvement in the conflict, can be described as the internationalization of the process. As Norway used its involvement in international mediations to advance its own international perception and importance, this “explains its interest in getting this conflict, once it was involved, on the radar screen of the international community” (Höglund and Svensson 2009: 186).

This internationalization had adverse effects on the concept of ‘ownership’ of the conflict, while the emphasis on this same ‘ownership’ of the process by the two primary parties limited the effectiveness of the internationalization of the mediation. Ownership was compromised by the increased attention from the international community, as it reduced the sense of responsibility to resolve the conflict by the two primary parties alone: “This was a line of criticism from the LTTE, which left the talks in protest against ‘excessive involvement’ by the international actors” (Höglund and Svensson 2009: 186)

The positive possibilities offered by the increased involvement by other international actors were also limited by the ‘ownership’ approach, as it reduced, if not nullified, the influence and leverage these international actors could have had on the process.

Involvement by other international actors in the Sri Lankan peace process had a negative impact on negotiations, as the majority of international actors viewed the LTTE as a terrorist organisation and this reduced the LTTE’s hopes of finding a non-violent solution outcome for the conflict that would be in their favour. Being denoted as terrorists limited the LTTE’s access to funding, had them excluded from international summits, and increased the likelihood of Sri Lanka receiving stronger military support against the LTTE by the international community.

Norwegian mediation in the Sri Lankan conflict has had some positive effects, such as the fact that “by implementing a lull in the fighting, [it] saved a substantial number of lives”(Höglund and Svensson 2009: 187). However, based on the article “Mediating between Tigers and Lions” by K. Höglund and I. Svensson, it seems that the overall involvement had a negative outcome.

emphasis on ‘ownership’ in the process not only excluded segments of the Sri Lankan population, creating “substantial grievance among the Muslim community”(Höglund and Svensson 2009: 189), and possibly creating ambivalence and disregard for future mediation attempts by these excluded groups, but also conferred a sense of legitimacy on the LTTE by treating it as an equal partner in negotiations. This equal treatment of a designated terrorist group by the Norwegians could very likely derail future mediation attempts because other mediators will not confer the same level of respect on the LTTE, alienating them at the start of any new process. By excluding all minority stakeholders through this ‘ownership’ principle, these groups therefore seem to have lost a legitimate place in future negotiations as well, although these minority groups are likely to be most at risk in a conflict situation, and most in need of a voice and seat at the table.



Secondly, by basing the mediation process on Norway's role as third-party facilitator, Norway essentially gave all influence and power in the process to two hostile parties, while not maintaining any leverage or coercive power over the parties involved, and severely curtailing the possibilities of international threats and reward structures. As such, neither primary party had any need to conform to promises made unless it suited them at the time, which delegitimized the entire process, reducing faith and respect in the possibility of third-party mediation. This also allowed the hostile parties to manipulate and use the process for strategic reasons, as noted by Höglund and Svensson(2009: 181): "In hindsight, it is evident that both sides used the ceasefire to re-arm and re-build their military capacity". This military build-up on both sides quite likely led to the long-term prolonging of the conflict, at the cost of many lives, both militant and civilian. The ability to manipulate and use a mediation process to their own advantage will not be forgotten by either primary party, complicating and reducing the effectiveness of future mediations. ✓

Thirdly, by using flawed methods and by creating doubts over unbiasedness, Norway inadvertently cast doubt over its reliability and trustworthiness as mediator in the international community at large and specifically in Sri Lanka, possibly at the cost of extending other conflicts it is involved in now and in the future, and the cost of many lives and resources.

## Bibliography

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