THE EUROPEAN UNION AND CONFLICT RESOLUTION IN SRI LANKA

*Dissertation submitted to Jawaharlal Nehru University
for the award of the degree of*

MASTER OF PHILOSOPHY

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2018

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DECLARATION

I declare that the dissertation entitled "The European Union and Conflict Resolution in Sri Lanka" submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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PROFESSOR RAJENDRA K. JAIN
Professor   Supervisor

For my family

and those who hope for a peaceful tomorrow

Acknowledgements

Contents

Tables

Abbreviations

ACF	Action Centre Le Faim
ACP	African, Caribbean and Pacific Group of State
ADB	Asian Development Bank
AIF	Asia Investment Facility
ALA	Asia and Latin America
ALA	Asia and Latin American Countries
AUP	Aid to Uprooted People
CARE	Cooperative for Assistance and Relief Everywhere
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CFA	Cease-Fire Agreement
CFSP	Common Foreign and Security Policy
CHA	Cessation of Hostilities Agreement
CHG	Civilian Headline Goals
CNP	Conflict Preventive Network
COI	Commission of Inquiry
CPDC	Network on Conflict, Peace and Development Cooperation
CPN	Conflict Prevention Network
CPP	Conflict Prevention Partnership
CRC	Convention in the Rights of the Child
CSDP	Common Security and Defence Policy
CSP	Country Strategy Paper
DA	Development Assistant
DC	Developing Countries
DCI	Development Cooperation Instrument
DDR	Disarmament, Demobilisation and Reintegration
EAW	European Arrest Warrant
EBIC	European Business Information Centre
EBP	Eksath Bikku Peramuna
EC	European Commission
EC-ACAP	European Union Assistance to Conflict Affected Populations
ECCSL	European Chamber of Commerce of Sri Lanka
ECHO	European Commission Humanitarian Aid
ECIP	European Community Investment Partners
ECSC	European Coal and Steel Community
EDC	European Defence Community
EDF	European Development Fund
EEAS	European External Action Service
EEC	European Economic Community
EIDHR	European Initiative for Democracy and Human Rights
ENP	European Neighbourhood Policy
EOM	Electoral Observation Missions

EPC	European Policy Centre
EPC	European Political Cooperation
EPLO	European Peace Building Liaison Office
EPM	European Community Civil Protection Mechanism
EPRLF	Eelam People's Revolutionary Liberation Front
EROS	Eelam Revolutionary Organisation of Students
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EU-SDDP	Support to District Development Programme
EU-SEM	Socio-Economic Programme
FYROM	Former Yugoslav Republic of Macedonia
GAA	German Agro Action
GDP	Gross Development Product
GIZ	Germany Corporation for International Cooperation
GOSL	Government of Sri Lanka
GSP	Generalised System of Preference
GTZ	Deutsche Gesellschaft Für Technische Zusammenarbeit
IA	International Alert
ICCPR	International Covenant on Civil and Political Rights
ICG	International Crisis Group
ICMPD	International Centre for Migration Policy Development
ICRC	International Committee of the Red Cross
IDP	Internally Displaced People
IES	Establishment of a Field-Based Country of Origin Information Systems'
IFS	Instrument of Stability
IGC	Inter-Governmental Council
IIGEP	International Independent Group of Eminent Persons
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
IPKF	Indian Peace Keeping Force
IPR	Intellectual Property Rights
JRC	Joint Readmission Committee
LLRD	Relief Reconstruction Rehabilitation and Development
LTTE	Liberation Tigers of Tamil Eelam
MEDA	Euro- Mediterranean Partnership
MEP	Majahana Eksath Peramuna
MIC	European Commission's Monitoring and Information Centre
MIP	Multiannual Indicative Programme
MSF	Médicins Sans Frontières
NATO	North Atlantic Treaty Organisation
NCCR	National Coordinating Committee on Readmission
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission

NPC	National Peace Council
NWSDB	National Water Supply and Drainage Board
ODA	Official Development Assistance
OP-ICCPR	Optional Protocol to the International Covenant on Civil and Political Rights
OSCE	Organisation for Security and Cooperation in Europe
PHARE	Poland and Hungary: Assistance for Restructuring their Economic Programme
PLOTE	People's Liberation Organisation of Tamil Eelam
PTA	Preventive Terrorism Act
P-TOMS	Post-Tsunami Operational Management Structure
RMG	Ready Made Garment
RRM	Rapid Reaction Mechanism
RRR	Relief Rehabilitation and Reconstruction
SLDG	Sri Lanka Donor Group
SLFP	Sri Lanka Freedom Party
SLMM	Sri Lanka Monitoring Mission
SLPP	Sri Lanka Podujana Perumuna
SSR	Security Sector Reform
TACIS	Technical Assistance to the Commonwealth of Independent States and Georgia
TELO	Tamil Eelam Liberation Organisation
TEU	Treaty on European Union
TFEU	Treaty of the Functioning of the European Union
TRTA	Trade Related Assistance
TUL	Tamil United Front
TULF	Tamil United Liberation Front
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNOPS	United Nations Office for Project Services
UNP	United National Party
UNSG	United Nations Secretary General
UPFA	United People's Freedom Alliance
WB	World Bank
WEU	Western European Union
WMD	Weapon of Mass Destruction

Sri Lanka Political Map: Intended for illustrative purpose.

Chapter 1

Introduction

1.1 Background

Post-World War II saw the gradual increase of development assistance to the developing countries by the Western world. Initially, aid provisions were made in the form of technical assistance 'followed by community development in the 1950s' (Pronk 2004: 2). In the 1960s, aid was provided 'to fill trade and investment gap' which was followed by 'basic human needs in the 1970s' (Pronk 2004: 2). In the 1980s when the world was hit by recession development assistance was provided for 'structural adjustment and debt relief' (Pronk 2004: 2). The 1990s witnessed the rise of civil wars which created the need to provide humanitarian assistance in combination with support for rehabilitation in countries plagued by civil war. At the beginning of the century, 'aid for human development, and aid to prevent violent conflicts and foster democratic governance' became the new trend (Pronk 2004: 2). Over the years the dynamics of aid giving and receiving has been inundated with complexities and often been used by States as an instrument of foreign policy in international affairs (Stokke 1995).

This study analyses the role of donors in the peace process and specifically focuses on the European Union (EU) in the context of the ethnic armed conflict in Sri Lanka. The debate on aid in the literature often sees development assistance as an impediment to the peace process. It is still highly debated whether foreign aid is a cause in escalating conflict or generating a powerful dynamic in favour of peace. The association of political conditionality to aid by donors is highly controversial. Donors attached some conditionalities to the aid such as - respect and promotion of human rights, democratic principles, the rule of law, economic development policy, etc. - which are to be followed by the recipients. If the disputants prevent a peace process without adhering to these conditionalities, 'then according to the prevailing mindset of the liberal peace they are

spoilers' (Newman and Richmon 2006: 2). Olav Stokke, in his book *Aid and Political Conditionality*, termed aid conditionality as 'pressure, by the donor, in terms of threatening to terminate aid, or actually terminating or reducing it, if conditionalities were not met by the recipient' (Stokke 1995: 12).

The protracted civil war of Sri Lanka came to an end in May 2009, after 26 years of the military campaign, with the total military defeat of the Liberation Tigers of Tamil Eelam (LTTE). The institutionalisation, in the constitution, of ethnic dominance by the majority in 1972 and 1978 brought the Sri Lanka Tamils living in the north and east to demand autonomous power for their region, and ultimately uniting them for the demand of a separate state by mid-1970s. Ethnic rioting and violence against the Tamils led to civil war in 1983. The entire architecture of the peace process to the conflict in Sri Lanka was built around international engagement (Goodhand et al. 2005) while 'the international toolkit for responding to violent conflict prescribes a quick fix of democratic elections and economic liberalisation, a so-called 'liberal peace'' (Holt 2001:1). Under the initiative of Norway, the ceasefire agreement (CFA) between the Government of Sri Lanka and the LTTE was reached on February 2002. In the context of Sri Lanka's conflict, the role of EU has been one of the peace facilitators by its appointment as a Co-Chair of Sri Lanka Donor Group (SRDG), providing humanitarian assistance and food security, and supporting human rights and engaging in community reconciliation activities through policy reforms. This study aims to critically analyse the gap that existed between the policy and ground implementation of the EU in Sri Lanka's ethnic conflict.

The Co-operation Agreement on Partnership and Development between the European Community and Sri Lanka came into force on 1 April 1995 whereby setting the guidelines for EU-Sri Lanka co-operation (Country Strategy Paper 2002-2003). Through its humanitarian assistance, the EU aimed to mitigate the impact of the then ongoing conflict. The main emphases of EU were on development-cooperation, economic cooperation and relief and rehabilitation activities to assist displaced people (European Council and Commission 2000). Due to the conflict, most of the aid allocations of the EU to Sri Lanka was managed through European Commission Humanitarian Aid (ECHO) and often criticised for being compartmentalised (Jain 2015).

The Lisbon Treaty of 2009 gave a new dimension to the Union's external action which would aim towards 'preserving peace, preventing conflicts and strengthening security' (Article III-193). EU's approach to conflict resolution also implies promotion of principles such as human rights, democracy, the rule of law, and support for regional cooperation and integration (Lisbon Treaty 2009, Article I- 2, 3). These principles of the Union were seen as peace conditionalities for the continuance of aid in Sri Lanka. Th question is whether these conditionalities were creating a favourable environment for the peace process? If it did propel the peace process how far was it successful? The Union also laid great emphasis on violation of human rights by both the parties to the conflict and set conditionalities to improve its human rights law inorder to continue enjoying the benefits of the Generalized System of Preferences (GSP) Plus. It is at the backdrop of this civil war in Sri Lanka that an attempt has been made to examine the role of the European Union, primarily the role of the Union as an aid donor in the process of Sri Lanka's conflict resolution, looked into the aid policies of the Union, and effectiveness of the implementation process.

1.1.1 Ethnic Conflict in Sri Lanka

The root causes of ethnic conflict in Sri Lanka are closely inter-related where many of the issues 'arose within a single context and often simultaneously'.[1] The Sri Lankan ethnic conflict involved the Sinhalese and the Tamils. To understand the context of Sri Lanka's ethnic conflict, it is imperative to understand the ethnic composition of Sri Lankan society, which is an 'ethnoreligious Mosiac'.[2] Base on the 1981 census, the total population of the country was 14.85 million, Sinhalese comprised 74 percent, Tamils 18.2 percent (Sri Lankan Tamils 12.6 percent and Indian Tamils 5.2 percent), Muslims 7.4 percent and others 0.4 percent of the Sri Lanka population (Chatopadhyay 1994: 13-14). The Sinhalese are mostly Buddhists comprising 69.3 percent of the population, Hindus 15.5 percent, Muslims along with Malays account for 7.6 percent and Christians 7.4 percent. The Tamils are mainly Hindus and predominate in the Northern Province and had a significant presence in the Eastern Province. The Eastern Province is an

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[1] See "The Root causes of Ethnic Conflict in Sri Lanka", p. 1, URL:
https://siteresources.worldbank.org/INTSRILANKA/Resources/App1.pdf
[2] ibid., p. 1

ethnically heterogeneous region comprising Tamils, Muslims and Sinhalese. Aside from the Northern and Eastern Province, the Sinhalese Buddhists are predominant throughout the country. The Muslims are mostly concentrated in the Eastern Province and the Christian in the Coastal areas, however, both are found in small numbers across the nation. Thus, 'to a certain extent, ethnicity and religion had a regional basis', and that was one of the significant reasons for the Tamil militancy to have a 'strong geographical dimension' and ultimately culminating 'to the demand of a separate state'. [3]

Ethnic Politics and Interpretation of the Past

The question of whether the Sinhalese or Tamils are the original inhabitants of the Island or who migrated first from India, as both are believed to have migrated in the 5th century B.C. from India, is still disputed and has been constantly a cause for contestation giving rise to ethnic tensions between the Sinhalese and the Tamils (Leary 1992). Traditionally, the Sinhalese are believed to be descendants of migratory Aryans from Northern India and traces their ethnic origin to Vijaya Singha who was an Indian by birth (Mehrotra 1998). The Tamils are Dravidian who migrated from South India. The Tamil communities in Sri Lanka comprise of two community, the Sri Lanka Tamils and the Indian Tamils; however, they have the same ethnic origin and speak the same language.

Historians dispute the date of Sri Lankan Tamils migration from Indian. By the first century A.D., it is believed that the Tamil invaded from South India, and between the periods 700 A.D. to 1300 A.D. major Tamil invasions took place 'culminating in the establishment of the Tamil Kingdom in the North' (Leary 1992: 8). The Sri Lanka Tamils are largely concentrated in the Jaffna peninsula with a significant number present in Colombo and some in southern areas. The Indian Tamils migrated as labourers to Sri Lanka in the 19th and early 20th centuries to work on the tea and rubber plantation introduced by the British Empire (Leary 1992: 8). The Indian Tamils live primarily in the tea garden areas in the central part of Sri Lanka.

The Sinhalese and Tamils both claim to be the original inhabitant of Sri Lanka giving birth to 'religious, ethnic and linguistic divisions which played a significant role in

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[3] ibid., p. 1

conflict' (Mushtaq 2012: 203). According to fourth-century Sinhalese Buddhist text history, 'the Buddha visits Sri Lanka and establishes the island as a repository of his teachings, thus fusing Sinhalese Buddhism, nationalism and ethnic identity' (Kenneth Bush 1990: 43). This interpretation is still prevalent in contemporary Sri Lanka mainly enforced by formal education.[4] In 1505, the Portuguese sailors found three independent kingdoms in Sri Lanka.[5] Under the British Colonial rule the three kingdoms were brought under a single administrator in 1930 until then they remained separate. Thus, the historical understanding and interpretation by the ethnic communities also played an important role in the ethnic conflict of Sri Lanka.

Historically the Sinhalese's considered the Tamils as 'invaders' and 'the identification of the Buddhist religion with Sinhalese nationalism is also an important element in understanding the roots of ethnic conflict in Sri Lanka' (Leary 1992: 9). In 1948, when Sri Lanka got independence from the British rule, the Indian Tamils were deprived of citizenship and disenfranchised under the Ceylon Citizenship Act No 18 of citizenship of the country. Very early on after independence, the Sinhalese majority Government took steps to divide the Tamil community and tried to make them as small in number as possible, and this largely arose from their inferiority of being a Minority in Asia (Leary 1992: 10). In 1964, under the initiative of the Indian Government, the Sri Lanka Government 'agreed to repatriate 60 percent of the Indian Tamils', and while the remaining 40 percent was granted citizenship, however, the agreement was only partially carried out (Leary 1992: 8). After independence, the Sinhalese felt the urgent need to promote and protect its ethnic community as well as religion because the British policies towards the Sinhalese and the Tamils were asymmetric.

Politics of Language

The politics of language has also played a significant role in escalating the ethnic conflict of Sri Lanka. Since early 1935, the Lanka Samasamaja Party proposed to use Sinhalese and Tamil in the lower courts, police stations and Government department (Mehrotra

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[4] ibid., p. 2
[5] Of the three kingdoms, one was Tamil kingdom in Jaffna and the other two were Sinhala, one in Kotte and the other in Senkadagalle.

1998). In 1944, J.R. Jayewardene proposed that the official language should be Sinhala; however it was amended and recommended that both Tamil and Sinhala should be made the official language and should be the medium of instruction in schools, public service examinations and legislative proceedings. However, Sinhala was made the official language of the country after elections in 1956 by the Sri Lanka Freedom Party (SLFP). Sri Lanka is a multi-ethnic country and introducing 'Sinhala only' as its official language had direct consequences feeding to the ethnic differences that will later turn into a violent conflict (Jayawardena 1987: 173).

The language question became a dominant political issue during the premiership of Sir John Kotelawala in the 1950s. The Sinhalese felt that the urgency to adopt 'Sinhala only' as the official language of the country and to revive the Buddhist religion. The 1950s was the time when the state was embroiled in a tense social and political atmosphere coupled with the issues of language, religion and Sinhala nationalism in Sri Lanka. In 1956, the Official language Bill of 1956 was introduced and Sinhala was made the Official Language of Sri Lanka. This led to ethnic violence in Colombo and Eastern Sri Lanka. The adoption of Sinhala as the official language gave birth to religious-ethnonationalism and the beginning of the violent ethnic conflict.

In December 1956, the Federal Party leader demanded the repeal of the Official Language Act and granted equal status to the Tamil language. On July 25, 1957, the Bandaranaike-Chelvanayakan compromise agreement on language issue was signed, base on which Tamil was to be recognised as a national minority language, and it would be the official language for administrative purposes in the Northern and Eastern Provinces. A compromise settlement of this agreement led to protest from extremist of the ruling party and the extremists Buddhists nationalists. Consequently, in April 1958 the prime minister abrogated the agreement. As Sinhala was made the sole official language of the country the Tamils felt discriminated as they were required to acquire requisite proficiency in the Sinhala language within three years or be penalised or lose their job (Mehrotra 1998). By 1950s, the Sinhala chauvinism became too strong, and S.W.R.D. Bandaranaike was assassinated by an extremist Buddhist group called the Eksath Bikku Peramuna (EBP).

Mainstream Politics after Independence

Sri Lanka adopted the Westminster model of the parliamentary system and established a unitary system. Sri Lanka is a multi-ethnic society, however lack of understanding of the existing ethnic differences was one of the reasons for not recognising the independent identity of the minority Tamils (Mehrotra 1998). After Independence, we see a trend of new policies implemented by the Sinhalese majority government building up to Sinhalese nationalism. In 1956, the coalition led by S.W.R.D Bandaranaike and the Majahana Eksath Peramuna (MEP) won by an absolute majority.

Since the early 1930s and 1950s, the Tamil politicians sought for greater autonomy in the predominately Tamil areas. In this direction, various frameworks and pacts have been formulated, such as the Bandaranaike-Chelvanayagam Pack 1957 and the Dudley-Chelvanayagam Pact, but never materialised. The failures of these pacts lead Tamils to demand a separate state as they have lost confidence in the parliamentary system of the country.

During the time of independence in 1948, the Tamils had 33 percent of the voting power in the legislature. However, this proportion dropped to 20 percent after the disenfranchisement of the Tamils. The Sinhalese obtained more than a 2/3 majority in the parliament which made the Tamils very difficult to 'exercise an effective opposition to Sinhalese policies affecting them' (Leary 1992: 11). The first constitution of Sri Lanka was drafted by Lord Soulbury and remained enforced till 1972. Section 29 of the constitution protected the rights of the minorities. Despite this constitutional provision, the Sinhalese majority Government adopted various discriminatory policies towards the minority Tamils. In 1970, when the SLFP came into power resulting in the adoption of a new constitution by the constituent assembly in 1972, section 29 of the Soulbury constitution was dropped. In 1977, the United National Party (UNP) came to power and drafted the third constitution which remains in force today. This new constitution provided for a presidential-parliamentary system giving executive power to the president. During the SLEP government, the discriminatory policies adopted against the minority Tamils in education (standardisation and Quota system) and employment began

increasing evident leading to the tension in the Tamil community and the youths ultimately uniting for the demand of a separate state.

In 1977 election the Tamil Liberated United Front (TULF) won a strong majority in the North and simple majority in the East. At its first national conference in 1976 TULF adopted the resolution demanding a separate state of Eelam, becoming the first Tamil party to have a clear commitment of a separate state.[6] The Indian Tamils did not support the Sri Lankan Tamils in their demand for a separate state though the TULF manifesto of 1976 states that 'when we speak of the Tamil nation, we refer to the entirety of the people in this country to whom the mother tongue is Tamil' (Leary 1992: 16).

Politics of Education and Employment

The Northeast part of Sri Lanka which is predominantly Tamils is a dry zone while the south is a fertile wet zone and thus the Sinhalese had better means of subsistence as they were engaged in agriculture and plantation. There was a huge rift between the Sinhalese and Tamils in terms of education and employment, and this is mainly because of the administrative policies of the British. Schools were mostly opened in the Tamil regions and not Sinhalese dominated areas. The reason behind which, as some critic points out, is because of the Sinhalese engagement in trade and plantation, therefore the Sinhalese were not interested in going to school or learning English while on the other hand, the Tamils were keener to go to schools and eventually get government jobs in the future (Mehrotra 1998). However, the Sinhalese also wanted to protect their religion and felt threatened that going to school and learning English was a way of propagating Christianity into their community. Under the British rule, English was the official language and medium of instruction in higher education, professions, commerce and politics. Many times the Sinhalese 'felt discriminated against in their country because of their lack of knowledge of English' (Mehrotra 1998).

At the time of Independence, it was found that Sri Lankan Tamils held about 31 percent of the post in the Universities and had a higher percentage of professionals in medical

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[6] TULF represents primarily the Sri Lankan Tamils in the Northern and Eastern Provinces and does not include the Indian Tamils.

and engineering fields while they constituted only 10 percent of the total population of the country (Mehrotra 1998). The Sinhalese felt threatened and resented the Tamils as the majority of the people holding Government jobs and those pursuing higher education were Tamils because of their proficiency in speaking the English language. However after independence, due to the discriminating policies introduced by the majority Sinhalese Government, the number of Tamils in education and employment took a drastic fall.

Since 1970s access to education has been base on ethnicity 'including the structural organisation of schools and universities, contents of the textbooks, and training of teachers' as well.[7] New policy on education was adopted in 1970 where admissions were base on language. This change 'had a serious impact on the demographic' pattern of the college 'university entry'.[8] In 1977, the language base admission policy was scrapped however the Tamils felt discriminated, and this went a long way in their demand for a separate state of Tamil Eelam. The language and education policy had a direct affect on employment, largely in areas of administration and professional jobs. However, in the private sector job opportunities for the Tamils and other minorities were open to an extent where work was continued in English.

The rise of Extremism and other External Factors

After the elections in 1956, the ethnic conflict in Sri Lanka has only escalated and intensified as no government took measures to redress the grievances of the Tamils and redeem their place in the country. In 1970, the United Front government headed by Mrs Sirimavo Bandaranaike wrote a new constitution, enforcing Sinhala only rule and made Buddhism the only religion. As a result of these, the demand for self-rule in the Northern and Eastern Provinces gained momentum. The Federal party, the Tamil Congress and three other parties jointly formed the Tamil United Front (TUF) and later renamed as Tamil United Liberation Front (TULF) in 1976. The birth of Liberation Tigers of Tamil Eelam (LTTE) is traced to TUF, which started around 1972 as the extremist wing of the

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[7] See The Root causes of Ethnic Conflict in Sri Lanka, p. 3, URL:
https://siteresources.worldbank.org/INTSRILANKA/Resources/App1.pdf
[8] ibid., p. 4

TUF. Its unchallenged leader, Vellupillai Prabhakaran renamed it as the Liberation Tigers of Tamils Eelam (LTTE) in 1976. In 1979, the Sri Lanka government enacted the draconian Prevention of Terrorism Act (PTA) as an interim measure, however, it was amended as part of the permanent law in 1982.

In 1978, the new constitution adopted the Presidential form of Government thereby establishing a unitary form of government in the country. In the new constitution, both Sinhala and Tamil were recognized as the official language, but Sinhala remained the sole official language of the country. In the 1970s, the extremist activities intensified, and the violence in 1983 resulted in destruction and loss of life of Tamils and is considered by many observers as a watershed in the conflict. After the early 1980s, institutionalised political violence began as the main feature of the conflict marking the militarization of the Sri Lankan ethnic conflict.

In total there were thirty-seven Tamil militant groups in Sri Lanka. Out of which five were considered the most important; LTTE (Liberation Tigers of Tamil Eelam), PLOTE (People's Liberation Organization of Tamil Eelam), TELO (Tamil Eelam Liberation Organization), EPRLF (Eelam People's Revolutionary Liberation Front), and EROS (Eelam Revolutionary Organization of Students). However, LTTE under the leadership of V. Prabhakaran was in the forefront of the struggle demanding for a separate state of Eelam. They had two objectives, the achievement of Tamil Eelam and to achieve this through arms struggle (Wilson 2000: 300).

Many external factors also played a huge role in escalating the conflict. Agreement between President Jayawardene and Indian Prime minister Rajiv Gandhi was that India would stop the supply of arms and men to Sri Lanka and the latter would impose strict control over military operations against the Tamil. In January 1987, the ethnic crisis got worse when LTTE threatened to take over the administration of Jaffna, and in response to it, President Jayewardene imposed an economic blockade on the Jaffna peninsula. India was the first country to sent Indian Peace Keeping Force (IPKF) in order to bring about a cessation to the ethnic conflict.

The foremost tactic of operation used by LTTE was suicide bombers. Suicide bombers called Black Tigers were trained by LTTE and 'used to cripple the economic conditions of the region and to exert massive Political impact' (Voorde 2005: 187). The LTTE's main areas of targets were the military, government and cultural infrastructure (Mushtaq 2012). The LTTE also recruited a large number of women and children to carry out suicide missions as well as other dangerous missions and attacks.

The Tamils Diaspora also played a significant role in fundraising for the LTTE, supply of arms to the Tamil Tigers and in organising propaganda campaigns (Mushtaq 2012). After the 1987 anti-Tamil riots, thousands of Tamil migrated to India in Tamil Nadu and the Western countries. Diaspora played a significant role in the conflict by supplying 'news agencies barred from the war zone with images of carnage, Jane's intelligence review estimated that LTTE charities plus the smuggling of weapons, drugs and people contributed $300 million a year' (Montlake 2009:12).

By 1990s the conflict turned violent with the Sri Lankan Government launching a full military campaign to take control of Jaffna province. Under the Norwegian initiative, peace talks started in the early 2000s which resulted in the cease-fire agreement between the Sri Lankan government and LTTE in 2002. After six rounds of talk in 2003, the LTTE terminated the cease-fire agreement. In 2005, when the Mahinda Rajapaksa became the president, he launched a full-scale military offensives against the LTTE leading to the total military defeat of LTTE in 2009.

1.2 External Action and Common Foreign and Security Policy

The mechanism for foreign policy cooperation to give political direction to EU's external action was established through the European Political Cooperation (EPC) in 1970. In 1993, the Treaty on European Union (TEU) established Common Foreign and Security Policy (CFSP) as an intergovernmental pillar that made provisions for Joint Actions and Common Positions. The Treaty of Amsterdam (1999) introduced Common Strategies to be determined by the European Council and provided for appointment of High Representative for the CFSP while the European Security and Defence Policy (ESDP) came into force. The ESDP is an integral part of CFSP while in the literature it is often

argued that the institutional framework of CFSP and ESDP broadly overlaps (Grevi 2009). Though the CFSP was meant to draw cooperation on EU's external policy 'the member states clearly do not often act together (much less, effectively) on international issues' (Smith 1999: 1).

CFSP is a revision of EPC and 'the ambition of creating a European foreign and security policy run parallel to the entire history of the European integration process' (Winn and Lord 2001: 20). The CFSP commits the Member States to ensure that 'their combined efforts are exerted as effectively as possible by means of concerted and convergent action' (Article J.2). However, critics in the literature criticised that 'the CFSP procedures have proved to be too limited' (Smith 1999: 11). Post-Cold War, the CFSP attempted to provide overall strategic direction for external policy, however, 'achievement of strategic direction has proved elusive' while 'this reflects the singular character of the Union, whose Member States are jealous of their role in the politically sensitive areas of traditional foreign and security policy' (Bretherton and Vogler 2006: 158).

One of the most significant issues facing CFSP 'is lack of consensus among the Member States concerning the content and direction of the policy' (Bretherton and Vogler 2006:182). Research suggests that EU foreign policy is committed towards human rights protection while geostrategic concerns also influence EU external action (Joakim 2015). Post-Cold War and post 9/11 the external policy environment has provided impetus to the process of constructing the CFSP and production of the European Security Strategy (ESS) 2003 reflects that perception (Bretherton and Vogler 2006). In defence matter as a military instrument, security is considered a sensitive subject as most member states are uncomfortable to challenge the primacy of North Atlantic Treaty Organisation (NATO) and the US (Smith 1999).

EU pursues five foreign policy objectives- 'the encouragement of regional cooperation and integration, the promotion of human rights, the promotion of democracy and good governance, the prevention of violent conflicts, and the fight against international crime' (Karen Smith 2003: 12). However, the institutional aspect of CFSP remains problematic in achieving these objectives as 'the requirements of unanimity prevail' (Hoffman

2000:8). Critics maintain that any EU foreign policy formulated at the EU level as 'inconsequential and weak, because it represents the lowest common denominator, or what the most reluctant member state could accept' (Karen Smith 2008: 10), evident from its experience in Albania, Bosnia, Kosovo, Rwanda etc. and the crisis over policy towards Iraq in 2003 where EU member states were deeply divided.

The Liston Treaty (2009) gave legal personality and teeth to the CFSP with the creation of the post of Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy. However, many provisions of the Treaty remain non-implemented owing to 'underlying tension between a desire to preserve national prerogatives in foreign relations and a desire to project a more assertive and collective international identity' (Karen Smith 2003: 53). In the face of the deteriorating situation in EU's neighbourhood coupled with refugee crisis and unprecedented rise of threat by non-state actors, and the US's desire to reduce its security and defence presence and engagement in Europe, it remains to be seen whether the CFSP can enhance the role of the EU as a global actor.

1.3 European Union Development Cooperation

The EU development assistance is a shared competence between the European Commission and its Member States. EU development assistance policy has its origin in the Yaoundé Convention (1965) through which 18 African countries was associated with the EU. The Lomé Convention in 1975 established relations between the European Economic Community (EEC) and 71 African, Caribbean and Pacific (ACP) countries and determined the use of the European Development Fund (EDF) for these countries. In 1977 cooperation 'agreements were signed with neighbouring countries in the southern Mediterranean' and by '1990s countries in Eastern Europe and Central Asia' had regional programmes (El-Agraa 2011: 410). The evolution of EU development assistance policy has been inundated with complexities and 'this evolution was a diffuse array of policies, budgets, administrative procedures and aid instruments' (El-Agraa 2011: 410).

EU development aid underwent significant changes since the 1990s by making key reforms in development aid policies through re-organisation of the Commission, 'new development policy, deconcentration to country level and better programming' (Bossuyt et al. 2000: 6). The EU perceives 'its development policy both in terms of opportunities

and responsibilities', the latter is, however an area where EU does not have a clear footing and where its foreign policy lacks coherency (Lister 1998: 18). The EU has two distinct sources of external development funding; funds are allocated through the EU budget and contribution by the Member States to the EDF which is outside the EU budget. In literature the European Community is often criticized for reacting to events rather than following a coherent plan likewise 'the EU Member States have different concepts of development, different levels of commitment to it, and different ideas about how far the development process should be carried out through the EU' (Lister 1998:18). The Treaty of Maastricht (1992) set out the objective to make development policy coherent with other EU policies, however, there persist 'growing gap between policy ambition and implementation on the ground' (Bossuyt et al. 2000:6).

The 1980s and the 1990s saw further enhancement of economic and political conditionalities by donors to their aid programmes. The 1995 mid-term review of Lomé IV Convention made political conditions more strict and transparent and made 'respect for human rights, democratic principles and the rule of law into an essential element or legally enforceable condition for receiving aid' (Lomé Convention 1995, Article 5). Many development specialists criticise this increased conditionality, however the possibility of 'EU reducing its aid conditionality is very unlikely' (Lister 1998: 33) keeping in mind 'the current trend is towards increasing conditionality with an ever-higher degree of political interference' (Stokke 1995: 13). However, the EU must learn to 'strike a balance between imposing too much political and economic conditionality and settling for too little' (Lister 1998: 33).

A pertinent question in the literature about EU development assistance is policy coherence in development. The EU is a relatively generous aid donor compared to other developed donors, but EU still lacks behind in achieving the desired results. The literature points that the Member States are more keen on pursuing bilateral aid and that 'the larger member states with distinctive aid policy (notably the British and the French) still felt that theirs was superior to that which was dispensed from Brussels, but they were compelled by treaty arrangement to put an important share of their development cooperation budgets into the European pot' (Hewitt and Whitman 2004: 135).

The contemporary debate on development aid and its role in conflict transformation focuses primarily on three inter-related approaches (Bingdon and Korf 2004). Firstly, the 'do no harm' approach developed by Anderson (1999), primarily aims to avoid doing more harm than good, as well as taking into consideration the unintended negative impact of the development aid, which often leads to aggravating the conflict rather than contributing to conflict transformation. Secondly, the 'local capacity for peace' approach (Anderson 1999: Heinrich 1999) seeks to identify the entry points for the development aid to contribute positively in the conflict transformation process. This approach underlines the importance of the role of the donors in contributing to local community capacity building as peace cannot be imposed from outside, but it has to be achieved from within the community (Bingdon and Korf 2004). Lastly, the discourse on peace and conflict impact assessment (Hoffman 2004; Bush 1998; Ross and Rothman 1999) emphasises the need for a comprehensive analysis of the conflict context. Through this, a methodology is developed for the assessment of peace and conflict impact which creates a framework for peacebuilding (Bingdon and Korf 2004).

1.4 Impact of Development Aid in Conflict Areas

In most cases, the donors are criticised for offering assistance without understanding the context of the conflict. Donors impact the dynamics of the conflict and therefore need to understand the context within which they are working. In the literature, four potential pitfalls facing the success of aid are identified- 'lack of knowledge about the country, incomplete understanding of the process, and inadequate experience with the instrument and the ever-changing setting' (Pronk 2004: 3). In the case of Sri Lanka, there have been multiple aid donors and with that multiple aid policies as well. The highest donors to Sri Lanka were Japan, the World Bank (WB), and the Asian Development Bank (ADB). The contribution of EU as an aid donor is not very significant, however 'it plays an important political role in terms of its good cop role in relation to LTTE to counter balance the position of India and the US' (Goodhand et al. 2005: 65).

Post-Tsunami 2004, Sri Lanka saw the distribution of aid by multiple donors, who distributed without taking into account the consequences of such aid and the impact it would have on the dynamics of the conflict. Critics of such aids in conflict areas argued

that 'while gifts move from donator to recipient, located in different societies and social context, they change their character from being an altruistic act to becoming a commodity in a complex aid economy' (Hollenbach 2013: 320). The international community formulated the post-Tsunami Operational Management Structure (P-TOMS) agreement for the reconstruction of Sri Lanka after the Tsunami, this agreement gave a base for cooperation between the Sri Lankan Government and the LTTE but due to the fear that the funds would fall into the wrong hands and the persistent resistant by the Sinhala Buddhist Nationalist to cooperate with the LTTE the P-TOMS agreement could not achieve the desired result.

When donors participate in conflict areas without understanding the context within which they are working, rather than promoting a peaceful environment for the peace process to take shape they become impediments to the peacebuilding process.

1.5 Political Conditionality and Development Aid

During the Cold War, the aid provisions were driven by security motives of the superpowers. Today the debate on developmental objectives of the donors has varying views and arguments. Some states give aids keeping in mind their interest while for others developmental objectives have been the primary motive for providing aid (Stokke 1995). Political conditionalities put forward by Stokke (1995) involves first generation conditionality which primarily involves the economic policy of the recipient and second generation conditionality which includes democracy, human rights and good governance. Political conditionality associated with development aid has been an issue for many of the recipient states as non-compliances to these conditionalities would mean discontinuance of the aid. In the literature, there is a gap between how these conditionalities are understood by both the donors and the recipients in conflict areas and this likewise vary for different states and actors in a different time and space. One cannot assume that all conflicts and peace processes share the same dynamics because the context within which the conflict is situated may vary. This is one reason why most of the research on political conditionality has intended to be descriptive and often focuses on the analysis of specific cases.

The EU's contribution to conflict prevention and resolution is by providing developmental assistance which is conditional upon democratic reform, human rights, the rule of law, and regional cooperation. These conditionalities change the dynamics of the conflict and critics argued that 'development actors have attempted to directly influence conflict dynamics through the application of peace conditionalities and the generation of a peace dividend' (Goodhand 2005: 61). In the context of Sri Lanka's conflict, the LTTE saw that the 'donor conditionalities were primarily' a tool at 'disciplining them', and in the sixth round of peace talks, the term 'international security trap' was coined (Balasingham 2004: 434).

1.6 EU and Conflict Resolution

The Lisbon Treaty (2009) laid down the primary objective for the EU external action to 'preserve peace, prevent conflict and strengthen international security' (Article 21). Since 1990s EU's conflict resolution activities have encompassed short, medium as well as long-term efforts ranging from civilian and military crisis management, conflict settlement to state building, democratisation and social reconciliation. Through the ESS (2003) EU engaged in a full range of conflict resolution activities including conflict prevention, crisis management and post-conflict rehabilitation. The EU as a conflict resolution actor can respond to a crisis with both long-term and short-term tools and instrument ranging from political dialogue and security intervention to humanitarian aid and development cooperation, sanctions as well as incentives such as greater access to the EU market (Marshall 2015).

The EU involve in conflict resolution in three ways- engage in track one negotiations directly on the request of concerned parties, preventing electoral violence, and accountability where the EU believes that accountability and justice are critical to ensuring that conflict does not re-erupt. EU capacity for conflict resolution was enhanced through the ESS (2003) subsequently followed by the production of other Commission/Council documents such as, Fight against Terrorism (2005), Instrument for Stability (2007), Implementation of the Strategy and Action Plan to Combat Terrorism (2008), etc.

Conflict prevention has become 'a central idea and a prime hope' of the CFSP (Hill 2001: 315). The EU's engagement in violent conflicts through military intervention has not been a practical option for EU due to institutional shortcomings and lack of political will, however, preventing conflicts from breaking out has been considered a more promising area with its civilian power image and capabilities (Karen Smith 2003). While some critics argued that conflict prevention could not be treated technically with a solution, but it is rather a process, 'whereby the chances of making poor judgments can be reduced by good practices across a whole range of dimensions- institutional, political, diplomatic and cultural' (Hill 2001: 319).

The EU's approach to conflict resolution is inherent to principles such as human rights, democracy, the rule of law, and regional cooperation (Jain 2015), which are seen as conditionalities. Critics argue that the most observable mechanism of domestic change occurs through conditionality; however, there is 'the need for greater clarity in the nature of the EU contract and for greater EU awareness of the domestic dynamics in the third countries it attempts to influence' (Tocci 2008: 21). Thus to engage effectively in conflict resolution, it is imperative for EU to understand the domestic and conflict dynamics of the respective country

1.7 EU and Conflict Resolution in Sri Lanka

On 1 April 1995, the cooperation agreement between EC and Sri Lanka came into force with the intention to mitigate the impact of the ongoing conflict through the provision of the humanitarian assistance to vulnerable groups within the population (CSP 2002-2003). Article 1 of the agreement states that 'the cooperation is based on respect for democratic principles and human rights, which constitute an essential element of the agreement' (Partnership Agreement 1995). Development cooperation between EU and Sri Lanka started as early as 1975 when the first agreement was signed (Regulation EEC 2410/75, 1975). EU was actively engaged in areas such as development cooperation, relief and rehabilitation assistance (after the conflict broke out), and economic cooperation (Jain 2015). Since the beginning, the implementation process has been frequented with obstacles ranging from logistical problems to interference and restrictions by the government.

Banning the LTTE and the termination of the GSP Plus changed the momentum of EU's engagement in Sri Lanka's conflict resolution. The LTTE no longer perceived the European Union as 'an honest broker' and informed Brussels to withdraw the Member States from Sri Lanka Monitoring Mission (Jain 2015: 84). When conditionalities were not adhered to by the parties to the conflict, EU went ahead with its carrot and stick policy thereby affecting the dynamics of the peace process. The study tries to analyse whether EU understood the context within which it was working and how effective its engagement in the Conflict resolution process has been.

Jonathan Goodhand states that, 'international intervention played an important role in creating the preconditions for negotiations and also preventing a return to war' (Goodhand 2005: 61) Under-development is one of the root causes of hostility and conflict thus donors try to create the preconditions for negotiations by providing development assistance (Goodhand 2005). However, the conditions intrinsically attached with aid provisions bring negotiations to a stalemate when the donors impose it upon the recipient without understanding the dynamics and structure of the conflict.

In the context of Sri Lanka's ethnic conflict, the parties to the conflict are often criticised for repeatedly abandoning opportunities to work out a peaceful solution through negotiations (Uyangoda 2007). The conflict resolution between the government of Sri Lanka and LTTE kick-started with a supportive international engagement but even after six rounds of direct talk they have not been able to come to an agreement. EU's engagement in conflict prevention has become a 'central idea and prime hope' of the CFSP (Maastricht Treaty 1992) however EUs performance in this area has not yielded the desired results (Hill 2001: 315). It is imperative for the EU to develop a robust development policy, with explicit objectives, which is in sync with the development policy of its Member states to effectively engage in conflict resolution as an aid donor.

1.8 Development Assistance and Conflict Resolution

The EU recognises peacekeeping as an 'essential aspect of the EU's external action' (Commission 2004a: 3) and hence conflict resolution is a primary objective of EU's foreign policy. EU also promotes democracy, human rights, the rule of law and regional

integration which is intrinsic to its conflict resolution policies. By promoting these principles, EU aspires to engage in 'conflict prevention, resolution and transformation, through the eradication of the root causes of the conflict' (Tocci 2007: xi). EU has been actively engaging in conflict resolution in the Middle East, the eastern Mediterranean, the Balkans and the Caucasus. EU is also one of the top contributors of aid in the world. However, it has not been able to play an effective and substantial role in achieving the desired results in conflict resolution. Nathalie Tocci in her book, *The EU and Conflict Resolution: Promoting Peace in the Backyard* (2007), highlights the role of EU in conflict resolution and concludes that 'despite its potential to contribute significantly- and sometimes decisively- to conflict resolution, the EU has in practice punched well below its potential' (Tocci 2007: xi).

The World Bank report (1998)[9] shows that development assistance has been successful in some cases. However, the report cautions that aid only works in a good policy environment' and 'does not work when the policies are wrong (Pronk 2004:). In this context, this study was has been intended to try and answer some very pertinent questions with regard to EU's development aid policies and its effectiveness and impact primarily on conflict resolution in Sri Lanka. The existing literature has shed light on how development aid and the application of conditionality to it have often changed the dynamics of the conflict. In the context of Sri Lanka's ethnic conflict, the LTTE often viewed the application of conditionality as an instrument to 'discipline them' (Goodhand 2005: 86), which created a negative environment for the peace process to take shape. The study has attempted to examine the relation between conditionality and negative environment created by aid conditionalities in the peace process.

From its past experiences in engaging in conflict resolution in its neighbourhood and beyond, the EU apparently learnt its lessons as to which policies are effective and which policies could be implemented successfully. However, the European Union has achieved very little success in conflict resolution, hence, creating the need to evaluate and examine its existing policies critically. The Sri Lankan conflict was an intra-state armed conflict.

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[9]See World Bank (1998) *Assessing, Aid. What Works, What Doesn't, and Why*. New York: Oxford University Press for the World Bank.

The study, therefore, has sought to examine whether EU aid had a bias towards either one of the parties to the conflict which hampered the process of conflict resolution. In most cases, we see that aid conditionalities are applied more stringently in armed conflict especially of military nature and where there are grave violations of human rights. However, these conditionalities create a negative environment for successful peace negotiations to take place and hence it is imperative to develop aid policies which are workable within the structure and dynamics of the conflict.

1.9 Research Design

The hypothesis will be tested by seeking to examine the following questions: What is the nature and quantum of development assistance provided by EU to Sri Lanka; what were the political conditionalities imposed on Sri Lanka and to what extent were they effective in meeting their objectives; what were the obstacle faced by the EU in implementation of development cooperation in Sri Lanka; how effective have the EU aid policies been in implementing its project in Sri Lanka; to what extent has the European Union's engagement in the peace process open up the space for conflict resolution and transformation; was the European Union successful in having a transformative effect on the roots of hostility and enhancing local capacities for peacebuilding? It will seek to test the hypothesis that the European Union's political conditionalities of development assistance have impeded the peace process and the process of conflict resolution in Sri Lanka.

Chapter 2

The European Union and Conflict Resolution

2.1 Introduction

Post-Cold War saw the Central and Eastern European States in a transitional stage. Europe was faced with the challenges of political and economic instability on its borders which demanded EU for coherent foreign policy. It was also a critical time for the EU to establish a strong ground and have a clear set of goals and objectives as an international actor. In the post-Cold War, a number of new violent inter-state and intra-state conflicts broke out in Eastern Europe and Africa which called for new security roles and strategies from the international community to take part in the prevention and resolution of conflict. There are many definitions of what conflict prevention should entail, however 'generally conflict prevention requires the identification of the causes of conflict, and entails attempts to address these causes before the outbreak of violence (Stewart 2001: 14)'. In the 19th and 20th century many international organisations were created whose main objective was the prevention of conflict (Claude 1971, Hinsley 1963). Post Second World War Europe learnt the evils of war and could not afford another outbreak of war, and the European Cold and Steel Community (ECSC) was a step towards conflict prevention through economic integration. This chapter analyses the conflict resolution capacity of the European Union. It also examines the evolution of the EU's CFSP and its various tools of engagement in conflict prevention.

2.2 Common Foreign and Security Policy

The European foreign policy constitutes the CFSP, Common Security and Defence Policy (CSDP), trade, development, enlargement, and the external environment policy of the EU. The European Foreign Policy is 'multifaceted (comprising the broad range of areas such as CSDP, CFSP, trade, enlargement, etc.), multi-method (combining various policy-

making methods, some with the member states and others with the supranational institutions like the European Commission in the driving seat), and multi-level (entailing the national and the European levels)' (Keukeliere and Tom 2014: 1). The EU's foreign policy involves 'the pooling of policy decision making at European level', this has been a major challenge for the Member States to come to a consensus decision and the fear of supranationalism has made the member state recalcitrant (Stewart 2001: 52). The discussion of the EU foreign policy involves a broad understanding of the context of 'EU foreign policy which includes the foreign policy development across the CFSP/CSDP, the various dimensions of the EU's external action and external policies of internal dimensions, as well as through interaction with the foreign policies of the member states' (Keukeleire and Delreux 2014: 1). Thus, EU foreign policy is characterized by 'the highly diversified EU procedures and practices, combining formalized modes of rule-setting with informal practices of negotiation, cooperation and consensus-building; the multi-level and multi-actor structure underlying these procedures and practices; and, not the least, the diverging patterns of implementation under a common umbrella' (Tommel and Verdun 2009: 1). Though the EU's foreign policy encompasses a broad range of areas, this chapter particularly examines the security aspect of the EU foreign policy and primarily focuses on EU's external action in conflict prevention and conflict resolution.

The CFSP of the EU provides a platform for developing and implementing the political and diplomatic dimension of its foreign policy, and to contribute to mediation efforts and other international diplomatic initiatives (Keukeleire and Delreux 2014). In the CFSP the Member States retain control over the foreign policy decision through the council of its intergovernmental dynamics which has also been a major obstacle in the smooth decision-making process of the Union. The birth of CFSP is traced to EPC which was established in 1970. The EPC was a platform for the EU countries to come and collectively decide on certain foreign policy matters as a collective voice which was more powerful than individual member states' decisions (Nuttall 2000: 2). The EPC was formalised by the Single European Act 1986. Through the Treaty of Maastricht, EPC was fully integrated into the Community framework and later renamed into CFSP. EPC was a platform where the EU Member States tried to create a common approach to foreign policy issues. The Member States coordinate their foreign policies through EPC, and

other member states followed these policies. The European community had been engaging in constant 'debate about the form, function and advantages of creating a European political community' which finally took shape through the Luxembourg Report of 1970 that created the EPC (Nuttall 1992: 30). The main objectives for such political cooperation were to ensure respect for human rights, democracy and the rule of law, and for promoting international cooperation.

Before the formation of EPC, the earliest attempt to create a European Defence Community (EDC) started in the 1950s and the 1960s, which was unsuccessful mainly for two reasons: firstly because France opposed any further supranational integration, and secondly the EU was more comfortable to let defence issues remain predominantly with NATO and the Western European Union (WEU) (Allen and Wallace 1982: 22). Established in 1955, the WEC was the first attempt to create a political defence community, which set the place for meaningful discussions on defence cooperation and incorporated a mutual defence agreement (Stewart 2002: 44). The role of EPC was limited to entailing 'regular intergovernmental contact and dialogue between foreign ministers of the Member States, and it remained divorce from the Community' mainly because France was an advocate of intergovernmentalism, and the Dutch feared that institutionalisation of the head of 'Government meetings would undermine the Community institutions' (Nuttall 1992: 48). Thus EPC is a unique type of intergovernmental process established amidst 'institutional proliferation and complexities' which later was renamed as CFSP (Bonvicini 1998: 52).

2.2.1 Treaties Creating the Common Foreign and Security Policy

The European Community felt the need for a body to draw out its foreign policies as they felt that EPC was working for the EC but not with the EC. The 'disintegration of the Soviet Union' in the Eastern and Central European States showed the weakness of the EPC as it lacks an objective mechanism for bringing issues up for discussion and structurally EPC lacked the capability to be innovative (Nuttall 2000: 3). The European Community felt that apart from economic and monetary union there was a need for a political union in order to come to decisions about the new states of Eastern and Central Europe as well as to securitize its borders. After Iraq's invasion of Kuwait in August

1990', the focus of CFSP shifted to its security dimensions and 'within the CFSP debates security and defence were put at the top of the CFSP agenda' (Nuttall 2000: 10). However, the major question confronting the Union until the end of the Inter-Governmental Council (IGC) was the relationship between the CFSP and the EC, and the extent to which CFSP should be subsumed into EC procedures. Within the EU two camps were against and in favour of deeper integration of CFSP, the Commission, the Benelux countries, Germany and Italy, wanted a deeper integration. On the other hand, France, the United Kingdom, Denmark, Greece and Portugal were not ready for deeper integration. The challenge for the Member States was how far they were ready to transfer their sovereignty to the Union further, so 'this was a domestic issue and not a foreign one' (Nuttall 2000: 10). The 'Common Positions' and 'Joint actions' of CFSP proves very complicated as the Member State rarely had a common consensus on issues of foreign policy moreover CFSP had lack cleared defined objectives and purpose (Nuttall 2000: 13). The various treaties of the Union underwent subsequent changes to the EU's foreign policy, and it is still in the process of evolving.

Title III of the of the Single European Act 1987 containing 'Treaty Provisions on European Cooperation in the sphere of Foreign Policy' for the first time gave EPC a foundation as an instrument of international law (Nuttall 2000: 17). The Single European Act of 1987 brought the EPC and EC under a single legal instrument which lay the platform for the two to work together. The Maastricht Treaty 1993 bought some major changes to the institutional structure of the EU which created the three pillars of the Union. CFSP was the second pillar, and the policies regarding CFSP were laid down in Title V of the Treaty. Article J.1 of title V of the Maastricht Treaty laid down the objectives of the CFSP, its objectives were: 'to safeguard the common values, fundamental interest, independence and integrity of the Union in conformity with the principles of the United Nations (UN) Charter; strengthen the security of the Union in all ways; preserve peace and strengthen international security, in accordance with the principles of the UN Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders; promote international co-operation; development and consolidate democracy, the rule of law, and respect for human rights and fundamental freedoms' (Maastricht Treaty 1993, Article J.1). The

Treaty of Lisbon gave a legal personality to the CFSP and brought an end to the pillar system. Another important change made by the Lisbon Treaty to CFSP was the creation of the post of High Representative for CFSP who is also the vice president of the Commission. The creation of this post gave a new dimension to the CFSP and the EU in general as an international actor. However, the CFSP has not been substantially successful in overcoming the challenges to have a coherent foreign policy amongst its member states. Very often the EU has been unable to act as a Union on common grounds as decisions in the CFSP requires unanimity among the member states.

2.2.2 European Security and Defence Policy (ESDP)

In 1950, the EDC was one of the first attempts at defence integration proposing for the creation of a joint army within the members of the ECSC. However, the EDC could not be materialised because it was voted down by the French National Assembly due to fear of rearmament of Germany. Thus, for a long time, the complete military cooperation of Europe remained with NATO under the leadership of the US. During the Bosnian war, the US involvement through NATO made them realise that their interest was different and this realisation led the French and British government sign an agreement at St. Malo in December 1998. Through the Treaty of Amsterdam, ESDP was launched in 1999 (Grevi 2009). The St. Malo Declaration in a way set the framework for establishing EU's military capability. According to the Declaration, the European Union needs to build capacity for independent action backed by strong and credible military forces to tackle international crisis at the very outset. The ESDP was incorporated into the CFSP and is responsible for managing the external crisis with military capabilities. Through the Treaty of Amsterdam in 1992, the Petersberg tasks were integrated into the ESDP and are an integral part of ESDP (Article 17 of TEU). The Petersberg tasks define the spectrum of military actions and what functions the European Union can undertake in its crisis management operations. The ESDP gives EU the option to use both civilian and military capabilities for conflict prevention and international crisis management. Another major change in the structure of ESDP was the adoption of 'Headline Goals' in December 1999. The Headline Goals mainly focused on the ability of the EU to respond to external crisis

military tools. The Union's goal was to have 50-60,000 troops ready by the year 2003 for operations lasting up to one year.

The absence of a superpower created a security vacuum in the post-Cold War era. This resulted in the need to 'assert one's identity on the international scene', and through the CFSP the EU tried to engage in the security area as an international actor (Treaty on European Union 1992). The development of EU's capability in conflict resolution has been a key element of ESDP since its inception.

2.2.3 European Security Strategy (2003)

The European Council adopted the ESS in December 2003 providing the conceptual framework for the ESDP. In 2003, the US-led invasion in Iraq led to a split between the EU Member States thus highlighting the need for a common strategic vision to enhance internal cohesion at EU level. On the suggestion of the Member States the High Representative for the CFSP, Javier Solana, drafted the strategy (European Commission 2008). The ESS pointed out five key threats, viz. terrorism, the proliferation of weapons of mass destruction (WMD), regional conflicts, state failure and organised crime. The ESS also called for preventive engagement to avoid new conflicts or crises. Building security in the EU's neighbourhood, i.e. the Balkans, Southern Caucasus, and the Mediterranean is prioritised as is the goal of strengthening the international rules-based order through effective multilateralism (Solana 2003). The ESS included areas of aid, trade, immigration and police cooperation and overall the security context of the EU.

The EES is a comprehensive approach to security which is beyond the traditional security threat assessment (Quille 2004). Solana remarked that 'new environment' where diffuse challenges must be addressed by the EU including poverty, energy dependence, climate change and bad governance, and the EU is well equipped to meet the challenges of this new environment with a range of diplomatic, development, economic, humanitarian and military instrument (Quille 2004). A comprehensive approach to security is required because such challenges undermine regional stability and contribute to violent conflict and this affects Europe directly and indirectly (Solana 2003: 6). The new threats that the ESS identifies are traditional concerns related to the proliferation of WMD, terrorism,

failed states and organised crime which cannot be tackled by just one country or by one instrument alone (Solana 2003: 3). Responding to such multi-faceted situations requires not just one but a mixture of instrument ranging from political, economic, intelligence, military and humanitarian aid. The new security environment and new threat require 'a strategy that employs a comprehensive security toolbox', and through the ESS the EU is almost ready and particularly well equipped to respond to such new threats (Quille 2004: 3). Thus, the ESS was formulated keeping in mind 'EU's strategic objectives: to tackle the threats; to extend the zone of security around Europe; and to strengthen the international order' (Quille 2004: 5).

To tackle new threats the European Security Strategy included the creation of a European Arrest Warrant (EAW), measures to attack terrorist financing and an agreement on mutual legal assistance with the US, and also includes a commitment to the universalization of non-proliferation and disarmament regimes along with a commitment to make those regimes effective by dealing with compliance and enforcement issues (Quille and Pullinger 2003). Within the 'Common Strategy on Russia, the EU has also established a practical hard security programme on nuclear non-proliferation', and it has been developed on a US initiative launched in June 1999 (European Council 1999: 11). The ESS 'includes offering assistance to secure weapons and materials of mass destruction and encourage compliance with international regimes, which third states are expected to accept to profit from trade and development agreements' (Quille 2004: 5). Through the ESS, the European Commission (EC) was expected to response to the security-relevant activities which had a strong geographical focus, mostly in the then emerging 'Wider neighbourhood (European Commission 2003)' framework extending to Central and Eastern Europe, and also to take into account the impact of the enlargement of the Union's Eastern border (Missiroli 2003). However, the discussion on this aspect of the strategy has often led to focus upon the issues of internal/external coherence of the Union (Anderson 2003). Incoherence between the Member States and the Commission and between the different agencies of Union has been a strong feature of the Union's 'approach to the region with competing interest' (Quille 2004: 6). The inability of the Union to achieve coherence amongst its Member State has been the greatest challenge in realising the objectives of ESS.

The third objective of the ESS for a regional multilateral actor like the EU was that it should seek to extend its influence and support international responses to security challenges through 'the development of a stronger international society, well functioning international institutions and a rule-based international order' (Solana 2003: 14). This objective of the ESS explicitly highlighted the Union's commitment in 'confronting threats to international peace and security' and thus, has given a new approach to the EU's external action in the international arena of security (Solana 2003: 14). Though the defence and security area of EU has predominantly been under the NATO umbrella, the EU felt the need for a new strategy to respond to the new environment and new threat and these complex threats moreover are not possible for a single country to tackle but needs to be tackled collectively through international efforts. The absence of a security strategy has been an obstacle in fostering a greater political will amongst the EU member states, and the ESS is expected to have a spillover effect in other areas of foreign policy where decision making has critically suffered from incoherency among the Member States. Though ESS has been the first step to develop an EU strategic culture, still the 'Member States and EU institutions have a long way to go in refining the institutional architecture, integrating the different policy instruments and providing clarity on concepts left unclear in ESS' (Quille 2004: 9). The 2008 review of the ESS confirmed the validity of the ESS and the need to be 'more capable, more coherent and more active', for EU to reach its full potential (ESS 2008).

2.3 The European Union and Conflict Prevention

During the cold war, the prevention of the development of war was mainly between the US and the USSR which ultimately led to the development of theories of deterrence and crisis management by the diplomats and strategist to prevent war (Stewart 2006). However, Stewart argues that this limited definition of conflict has led to the birth of other alternative views on the field of conflict and peace research (Stewart 2006: 18). Post-Cold War period, the UN's development of peacekeeping and preventive diplomacy became the ground on which conflict prevention was adopted by other international organisation (Stewart 2006). Over the years, conflict prevention in the context of peace and conflict research was developed as a reaction to arms race and superpower crisis

management, and in the climate of détente and eventual demise of superpower rivalry conflict became a subject of popular academic interest (Rogers and Ramsbotham 1999: 742; Salmon and Alkadari 1992: 123)

During the cold war due to the dominance of NATO in the military and security area, the EPC was only maximising its impact as a civilian power. However, the end of cold war pointed to the limitations of a civilian power and pressured the EU to transform itself into a civilian and military power (Keukeleire and Delreux 2014). The engagement of EU with its modest military capability in Iraq and Afghanistan, and the dictatorial regime in Libya force EU to face another level of military challenge that surpassed its military capacities and ambitions (Keukeleire and Delreux 2014). Thus, in 1999 the EU moved from a non-military power by complimenting its CFSP with CSDP, engaging in both civilian and military crisis management tools.

The beginning of the 20th century saw a new context within which the EU foreign policy took place. The Arab revolt and subsequent events in countries like Libya and Syria brought regime changes as well as armed conflict and military intervention in the EU's neighbourhood (Keukeleire and Delreux 2014). However, EU has made it quite clear that the analysis of foreign policy on conflict prevention and peacebuilding always has to deal with two facets: 'the avoidance, management and solution of conflicts on the one hand and the structuring of societies, states and regions on the other hand' (Keukeleire and Delreux 2014). The most important characteristic to resolve conflict is firstly to identify the causes of conflict and entails attempts to address these causes before the outbreak of violence, while in the international arena conflict prevention refer to any attempt by third parties to prevent the outbreak of violent conflict (Stewart 2006). Generally, conflict prevention may be defined as 'a multi-faceted process ranging from long-term or structural policy to project stability, to shorter operational policy ranging from preventive diplomacy and civilian or military crisis management, to resolve the crisis and prevent further escalation' (Stewart 2006: 14).

EU actions in conflict prevention are guided by the principle and purpose of the 'UN Charter that the main responsibility for conflict prevention rest with the parties concerned, assistance to local and regional capacity building according to principles of

local ownership is of particular importance' (Council of the European Union 2001). Thus, conflict prevention is one of the main objectives of the EU's external relation (Council of the European Union 2001). The EU believes that effective partnership and increased cooperation with the UN, the Organisation for Security and Economic Cooperation in Europe (OSCE) and other international and regional organisations, and civil societies are needed at all levels: beginning from early warning and analysis, to action and evaluation as field coordination is particularly vital (Council of the European Union 2001: 7). Also, the union and its Member States will, in accordance with article 19 of the Treaty of the European Union, coordinate their action to promote conflict prevention in international organisations where they are members (Council of the European Union 2001: 8).

Post-Cold War conflict prevention became a binding concept in CFSP providing the 'common thread, in terms of values, objectives and instruments, which holds the system together and gives it a purpose' (Hill 2001: 315). Through the Treaty of Maastricht in 1991, 'the conflict prevention has become a central idea and prime hope of the CFSP' (Hill 2001: 315). Conflict prevention in Europe began with the economic integration in Europe which later extended beyond Europe, however, 'there is a tendency to lump together both conflict prevention on the part of Europe and conflict prevention in Europe' (Hill 2001: 316). The EU, however, does not have clear objectives and policies as for how to engage in conflict outside its borders and so far has not been very successful in engaging in conflict prevention and resolution outside its borders. To successfully engage in conflict prevention and to have an effective, workable foreign policy the EU needs to find the answer to some pertinent questions: 'what kind of conflict, and where, the EU might be realistically able to stop' (Hill 2001: 316). EU's past engagement in conflict prevention was not always in the direction of de facto conflict prevention, because partly it was unsuccessful and partly it was conflict producing at times (Hill 2001).

2.3.1 European Union's Commitment to Conflict Resolution

Having been witness to two World Wars, Europe learnt the harmful effects of war. Conflict resolution has been one of the main factors for EU's engagement with neighbouring countries and international partners while it remains a 'current and ongoing commitment' of the EU (Marshall 2015: 23). The EU's commitment to conflict

prevention was first realised through the Gothenburg Programme in 2001 which was agreed by all EU Member States. In 2011, the EU reaffirmed the Gothenburg Programme in all future EU's engagements in conflict prevention. EU's response to crisis ranges from both short-term and long-term tools and instrument which includes political dialogue and security intervention, humanitarian aid and development cooperation, sanctions and incentives such as greater access to EU market. In the political front, to contribute to a lasting solution to the conflict, the EU's supports the restoration of democracy and constitutional rule and also support the electoral process in conflict-torn areas.

To effectively commit and engage in conflict resolution, EU has about 140 Delegations around the World, working on the ground but the working is not free from challenges both within and outside of the EU. The EU engages in mediation on behalf of the international community and contributes to joint conflict resolution efforts together with international and regional partners. The EU is a 'firm believer in the value of mediation as a conflict resolution tool' (Marshall 2014: 25). EU engages in conflict resolution through preventive diplomacy efforts on the ground by Heads of Delegation and EU Special Representatives to financial and capacity building support for local mediation efforts. EU has supported projects through the UN to strengthen local capacities for mediation and dialogue in Maldives, Kabul and Afghanistan. The EU also directly supports the implementation of peace agreements, like in Nepal. Preventing electoral violence has been a critical conflict prevention activity for the European Union and supports preparation, implementation and observation of election in many countries including Afghanistan, Pakistan and Bangladesh in South Asia. Also, the EU strongly believes that accountability for past crime is essential to achieve long sustainable peace, accountability is an important part of EU's conflict prevention and conflict resolution engagement.

Former Irish foreign minister Brain Cowen stated that on many occasions the European Union is 'one of the most successful examples of conflict resolution the world has known' (Cowen 2002). This indicates that the European Union is serious and keen on transferring the European experiences of conflict resolution to other regions. The

European Union conflict prevention is based on democratic values, and respect for human rights, justice and solidarity, economic prosperity and sustainable development and the Union model of conflict prevention calls for a co-operative approach to facilitate peaceful solutions to disputes and implies addressing the root-causes of conflicts (Council of the European Union 2001). Conflict prevention is an important element of all aspects of the external relations of the EU. The conflict prevention action of the Union has been given a renewed momentum by the Lisbon Treaty and consequently the creation of the European External Action Service (EEAS), with it's enhanced and integrated resources. The EU can effectively engage in conflict prevention and peacebuilding by establishing comprehensive approaches to preventing conflicts, by better 'integrating conflict prevention and key cross-cutting issues, particularly human rights, gender, protection of civilians, Children and armed conflicts and responsibility to protect, in all areas of short and long-term external action' (Council of the European Union 2011: 2). The EU is also committed to early action through mediation, the 'Concept on Strengthening EU Mediation and Dialogue Capacities' of 2009 will help build strong mediation capacities by providing support and training to mediators and their staff and increase their readiness (Council of the European Union 2011: 2).

2.4 European External Action Service

The change in the security context post-Cold War expanded the European Commission's range of external responsibilities reflecting 'the increasing politicisation in the EU' as EU responded 'to the changing political situation in Europe and' recognised the interconnectedness 'of economic and political policies' (Stewart 2001: 52). The traditional security threat was replaced by economic, environmental, social and political upheavals threatening the stability of Europe. EU is often criticized for being 'more than an observer…but less than a full participant' (Nuttall 1988: 104). The Commission's earliest external engagement was giving technical assistance to developing countries under the Lomé convention through the Commission's overseas delegation, giving 'the Commission a global reach' and not just 'confined to the economic sphere' (Stewart 2001: 53). By 2004, 130 delegations were 'playing a role in the CFSP and managing development assistance' (Allen and Smith 2004: 9). In the 1990s, the Commission's

external responsibilities underwent continual reorganization and spread over 4 directorate generals- external relations (CFSP and non-ACP development), development (ACP development and ECHO), enlargement and trade- this organisational structure of the Union reflects 'a lack of consensus on the best way' to organize Commission's external relations responsibilities and is often blamed on the absence of a strong internal Commission leadership (Nugent and Saurugger 2002: 348). External action of the EU encompasses the EU's trade policy, development cooperation, economic and financial cooperation with third countries, humanitarian aid, sanctions and international agreements (Keukeleire and Delreux 2014). EU engages in conflict prevention either alone or through cooperation with partners such as UN, OSCE and NATO. The principle and objectives of EU's external actions are enumerated in Article 21 of the TEU: 'The Union's action in the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of the law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law' (Treaty on European Union 2008).

Before the Treaty of Amsterdam, the European Parliament's role in the functioning of EU foreign policy has been in a limited capacity. Through the Amsterdam Treaty, the European Parliament has been given greater access in the functioning of the CFSP. However, the European Parliament's participation in CFSP has not been substantial, but it has been strongly vocal in criticising the CFSP's lack of democratic accountability and CFSP pillar structure (Monar 1997: 40). The EU is still developing its crisis management competence based on pledge contribution from the Member States. The Lisbon Treaty gave a new dimension to EU's approach in external action and contained the provision to the creation of the EEAS. Through the Lisbon Treaty, the foundation for EU's role in external action was established, and the primary objective of the EU's external action is to 'preserve peace, prevent conflicts and strengthen international security' (Article 21). The Gothenburg programme adopted by the Council in 2001 remains a valid policy basis for further EU action in the field of conflict prevention (Council of the European Union 2011). The Lisbon Treaty included both a solidarity clause and mutual assistance clause

and created the EEAS under the authority of the High Representative of CFSP who is also the Vice President of the European Commission. The two distinct functions of the post give the HR/VP the possibility to bring all the necessary EU assets together and to apply a comprehensive approach to EU crisis management.

The Petersberg Tasks, which was defined in the Petersberg Declaration during a Ministerial Summit of the Council of the WEU (1992), gave a detailed framework for the Union's engagement in peacekeeping and conflict prevention which was further enhanced and expanded by the Lisbon treaty. Article 4 of the Treaty of the EU was further expanded to include humanitarian and rescue tasks, conflict prevention and peace-keeping task, tasks of combat forces in crisis management, including peacemaking; joint disarmament operations military advice and assistance tasks; post-conflict stabilization tasks.[10] The Berlin Plus agreement further enhanced the EU's role to engage independently in crisis management operations. The agreement includes a comprehensive package of arrangements finalised in early 2003 between the EU and the NATO that allows the EU to make use of NATO assets and capabilities for EU-led crisis management operations. Overlapping membership and concerns over the duplication of assets and capabilities required both partners to agree on modalities for crisis management operations. Improving the working partnership between the two institutions remains vital to ensure effective consultation, cooperation and transparency in crisis management and peace-building operations but simultaneously it made way for the EU to launched crisis management operations on its own for the first time. The EU's first military operation was operation Concordia in the Former Yugoslav Republic of Macedonia (FYROM) in December 2003.

The Lisbon Treaty extended the range of the Petersberg Tasks and included the post-conflict stabilization further extending the role of the Union in Peacekeeping. The civilian crisis management which forms a key part of the CSDP is guided by the Civilian Headline Goals (CHG). The EU member states have identified a number of key tasks for civilian policing which include monitoring, advising and training local police, preventing and mitigating internal crisis and conflict, restoring law and other in immediate post-

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[10] Ibid.

conflict situations, and supporting local police in safeguarding human rights. These are some very ambitious goals, but so far EU has not been able to work coherently among its member states to achieve these goals. The CHG went further reviews in 2008 and 2010. The CHG 2008 added two new focuses for the EU: Security Sector Reform (SSR) and disarmament, demobilization, and reintegration (DDR). The CHG 2010 placed greater emphasis on civil-military cooperation in addition to a continued focus on improving readiness and deployability. Following the agreement of EU heads of State and government at the Cologne Council that the EU should possess an autonomous military capacity to respond to crises, the military headline goals were set up to conduct the full range of missions encompassed by the Petersberg Tasks. The 1999 Helsinki Headline Goal outlined the following objectives:

> By the year 2003, cooperating together voluntarily, EU Member States will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg Tasks as set out in the Amsterdam Treaty [Petersberg-Tasks], including the most demanding, in operations up to corps level (up to 15 brigades or 50,000-60,000 persons). These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements. Member States should be able to deploy in full at this level within 60 days, and within this to provide smaller rapid response elements available and deployable at very high readiness. They must be able to sustain such a deployment for at least one year (Helsinki Headline Goals Annex IV).

These objectives explicitly highlight the Union's commitment and the need to assert a global role in the international arena in the area of defence, security, crisis management and peace-building.

2.4.1. EU's External Action and Conflict Resolution

The conflict resolution function has been embedded into the workings of European integration ever since its inception as a political project post-second World War. Through the European integration, the long-standing adversarial relationship of France and Germany transformed into 'Strategic partnership' and conflict in Western Europe gradually became obsolete (Stefanova 2011: 1). As the Union underwent a gradual evolution and progression in establishing its institutions the Union 'required a self-proclaimed vocation to serve peaceful development' and in this regard formulated special

policies to address such issues (Voorhoeve 2007: 163). Since the birth of the Union, EU is involved in peacebuilding projects both individually and cooperation with other international organisation within Europe and beyond.

The EU 'identifies peacemaking as a key priority in its neighbourhood, presenting it as an essential aspect of the EU's external action', and views the 'promotion of human rights, democracy, the rule of law and regional cooperation as complementary and indeed necessary means to achieve peace in and beyond its borders' (Commission 2004a: 3, Commission 2003c). These values are considered the 'values underpinning the European project itself as well as the principles of the Union's action abroad' (Tocci 2007: 1, EU Constitutional Treaty Art. III- 193). The EU plans to promote these objectives through what EU institutions commonly referred to as 'constructive engagement' (Commission 2001b: 8-9, 2003c: 11). Constructive engagement is the wide 'use of a wide range of diplomatic, economic, social, cultural, and military instruments, normally deployed through contractual agreements with third countries' (Tocci 2007: 1). The basis behind using a wide range of engagement in its foreign policy is to achieve 'varying degrees of economic, social and legal integration into the EU through bilateral agreements' (Tocci 2007: 1). These contractual ties are intended to foster in the long run 'structural change both within and between third countries which in turn will promote conflict prevention and resolution' (Commission 2001a: 4). To engage successfully in conflict prevention and resolution, an assessment of external impact requires an in-depth understanding of the internal dynamics within the ethnopolitical conflicts (Tocci 2007: 2). Thus, EU needs to understand the dynamics of the conflict and needs to formulate clear doable and achievable plans and policies that are workable within the context of the conflict.

The EU's experience in the conflict resolution in African, and Pacific Group of States (ACP) regions are that the EU's 'comparative advantage' in conflict resolution has rested in its 'relative inability to play into the balance of power logic' that was prevalent in these regions (Tocci 2007: 117). The EU needs to operate at a deeper structural level so that its policy instruments can be potentially complimented by other external actions by addressing the root causes of conflict (Tocci 2007). Thus, EU contractual relations which are also a tool for EU's engagement in conflict prevention and peacebuilding are

potentially more effective in including long-run conflict transformation and resolution over the EU's policy of conflict management and settlement in ACP regions. (Tocci 2007: 177).

In 1996 a communication regarding EU's engagement in South Africa's conflict was issued. It stated: 'The EU and issue of conflicts in South Africa: peace-building, conflict prevention and beyond' (March 1996/SEC (1996) 332). The Communication distinctly underlined that 'the prevention of conflict should be at the centre of a comprehensive response of the European Union towards the issue of conflict in Africa' (EC 2009: 5). The Communication also highlighted the importance of (political) analysis of the root causes of conflict (EC 2009: 5). Over the years, subsequent agreements gave a different dimension to the EU's approach to conflict prevention and peace-keeping. After the Lomé agreement, the Cotonou Agreement (2000) made a significant contribution to EU's approach to conflict prevention by the inclusion of a chapter on 'The Political Dimension', including a whole section (Article 11) on 'peace-building policies, conflict prevention and resolution' (EC 2009: 5). The EU engages in conflict prevention through its development cooperation and tried to address the root causes of conflict. Thus, in 2006 geographical cooperation under the Development Cooperation Instrument (DCI) was approved which is determined on a geographical basis and given to countries of Latin American, Asia, Central Asia, the Middle East and South Africa (EC 2009: 5).

The birth of the European Neighbourhood Policy (ENP) can be traced to the Barcelona Declaration of November 1995, which proposes the establishment of an 'area of peace and security in the Mediterranean' subsequently the EU has gradually developed first a Mediterranean policy (MEDA) and now established a strong defined Neighbourhood Policy (EC 2009: 5). This has been realised through two EC communications: in March 2003 the first communication titled 'Wider World' came out which was then updated by communication on ENP (EC 2005). These documents point to a strong concentration to the security of Europe and the communication titled 'Wider World' makes direct reference to the ESS and highlight the commitment of ENP to address the objectives of the ESS (EC 2009: 5).

2.4.2 EU Approach to Conflict Prevention and Resolution

The EC's operational approach and intervention to conflict prevention and peacebuilding are based on the Commission's communication of 2001 on conflict prevention, which primarily focuses on the root causes of conflict and building sustainable peace (EC 2001). In June 2001 by the Goteborg Summit, the Communication further led to the endorsement of an 'EU Programme for the Prevention of Violent Conflict' (EC 2009: 6). The communication on conflict prevention has four main objectives: make more systematic and coordinate the use of EU instruments to reach the root causes of conflict; Improve the efficiency of actions targeting specific causes of conflict; Improve EU capacity to react quickly to nascent conflict; Promote international cooperation with all EU partners (EC 2009: 6).

The Rapid Reaction Mechanism (RRM) (2002-2006) was designed to allow the Community to respond urgently to the needs of countries threatened with or undergoing political instability or suffering from the effects of a technological or natural disaster. Its purpose is aimed at safeguarding or reestablishing the conditions under which the partner countries of the EC can pursue their long-term development goals. The RRM has been a vital instrument with its ability to provide support to the political strategy of the Commission faced with a crisis in a third country (EC 2009: 6). On 1st January 2007, the instrument for stability (IFS) was introduced replacing both the RRM, and several instruments in the field of drugs, mines, uprooted people, crisis management, rehabilitation and reconstruction, and supported the UN Interim Mission in Kosovo and the office of the High Representative in Bosnia and Herzegovina (EC 2009: 6).

The primary objective of IFS is to respond to an emerging crisis or crisis situation and to contribute to its stability through effective response to help preserve and to establish the conditions crucial to the proper implementation of the community's development and cooperation policies. Crisis response project covers a wide range of issues, such as providing support to mediation, confidence building, and interim administrations, strengthening the rule of law, transitional justice or the role of natural resources in conflict. Through IFS the EU aims to build the capacity to address specific global and trans-regional threats with destabilising effects, such as the proliferation of weapons of

mass destruction, trafficking, terrorism and organised crime. IFS approach is also designed to address pre and post-crisis situations, and it strives to ensure the preparedness of international and regional organisations as well as state and non-state actors. Through IFS the EU enters into peacebuilding partnership with other international organisations which is considered an 'innovative part' of the IFS (EC 2009: 7). The EU through the IFS aims to strengthen civilian expertise for peacebuilding activities and to encourage meaningful dialogue between civil societies and the European Institutions. The approach of conflict sensitive or 'do no harm' is followed by the commission in its approach to building post-conflict peace (EC 2009: 7). The European Initiative for Democracy and Human Rights (EIDHR)initiates support for conflict prevention and resolution under the principles of democratisation, good governance and the rule of law which are expected to contribute to tackling the root causes of conflict.

The EU firmly believes in cooperation with other international organisation in conflict prevention and peace-building activities and believes that effective partnership with international partners is vital in achieving that goal. The Network on Conflict, Peace and Development Cooperation (CPDC) (now, Initiative for peacebuilding) is the subsidiary body of the Union responsible of carrying out the OECD/DAC work in the area of conflict prevention and peacebuilding. The commitment of the EU to promote an effective multilateral system is in accordance with the principles of the UN. The EU has committed its attention to the activity of the UN High Level I Panel on Threats, Challenges and Change. The Commission continues to hold 'desk-to-desk' dialogue with integrated UN team and maintains regular contact with the UN Framework Team in the area of conflict prevention (EC 2009: 8). In 2004, a strategic partnership between the Commission and the United Nations Development Programme (UNDP) was signed where conflict prevention is one of the areas of closer cooperation (United Nations 2006). In 2005/2006 the Commission supported a pilot project to establish Conflict Prevention Network (CPN) by the European Parliament decision (EIDHR 2004). The initiative led to the implementation of the Conflict Prevention Partnership (CPP) headed by the International Crisis Group (ICG) in concurrence with other three NGOs working in conflict prevention and peacebuilding field: International Alert (IA), The European Policy Centre (EPC), and The European Peacebuilding Liaison Office (EPLO)). The

partnership's primary aim was to build up the capacities of the EU and its Members States in the areas of conflict prevention, crisis management and peacebuilding.

2.5 Conclusion

The CFSP has not been substantially successful in overcoming the challenges to have a coherent foreign policy amongst its member states. EU still lacks clear objectives and policies to engage in conflict outside its borders and so far has not been very successful engaging in conflict prevention and resolution outside its borders. Though EU claims conflict resolution as a 'current and ongoing commitment (Marshall 2015: 23)' of the Union's engagement with neighbouring countries and international partner but working this commitment into fruition is not free from challenges both within and outside of the EU. What EU requires is firstly to understand the dynamics of the conflict and then formulate clear doable and achievable plans and policies that are workable within the context of the conflict.

Throughout the history of its evolution the EU has formulated a substantial number of policies and objectives to engage in conflict prevention effectively and peacebuilding, however, the EU has not been able to deliver these objectives successfully neither has the EU been bold enough to engage independently in preventing and resolving conflicts.

Chapter 3

The European Union's Development Cooperation with Sri Lanka

3.1 Introduction

Over the years the development cooperation of the EU has evolved, and radical change made through the Lisbon Treaty in 2009. The development cooperation policy of EU covers a vast area of policy and decision making 'including trade arrangements, Official Development Assistance (ODA) and political dialogue' (Ali 2009: 401). Article 280(1) of the Treaty on the Functioning of the European Union (TFEU) states that the EU's development cooperation policy 'shall have as its prime objective the reduction and, in the long-term, the eradication of poverty,' thus poverty alleviation has been at the centre of EU's development cooperation objectives.

EU provides more than half of the global development aid; it is the world's second largest humanitarian aid donor with annual spending of more than 1 billion Euros (Keukeleire and Delreux 2014). In the context of Sri Lanka ethnic conflict, economic development and recovery was considered the key to peacebuilding and likewise guided the 'donor activities throughout the ceasefire period' (Holt 2011: 5). This chapter examines the European Union's development cooperation to Sri Lanka and briefly looks at the evolution of EU's development policy.

Critics argue that the 'development cooperation was increasingly politicised by being linked to CFSP objectives and featuring political conditionality clauses' (Stewart 2002: 43). Since the beginning of EU's development and humanitarian cooperation, the EU has been criticised both for perpetuating colonial dependency and for failing to achieve its objectives (Holland 2002: 27; Smith 2002: 195). However, the EU's 'role in development cooperation was to form an essential element in its post-Cold War conflict prevention policy' (Stewart 2001: 44).

3.2 Evolution of EU's Development Cooperation

The development cooperation of the EU began with its policies towards its former colonies in Africa and later in the Asia, Pacific and Caribbean region. The Treaty of Rome (1957) granted associate status for overseas dependencies, the French government had played a significant role in this initiative (Holland 2002: 26; Smith, H. 2002: 183). Through the associate status, the dependencies were brought under the same economic rules as the European Economic Community (EEC) Member States, 'discriminating against other developing countries, a special EEC assistance fund' was created for the dependencies called the European Development Fund (EDF) (Holland 2002: 26). In the 1960s when the dependencies started to achieve independence, the rules were reviewed accordingly and many following conventions, such as Yaoundé convention, the Lomé convention the Cotonou agreement led to agreements and policies 'governing the relationship between the EEC and its former colonies' (Holland 2002: 27). These 'privileges extended' further 'to ex-colonies and overseas territories of new EEC Member States', particularly 'those connected to the United Kingdom after the first enlargement in 1973' (Stewart 2001: 43). Gradually development cooperation 'extended to non-associated developing countries', from 1997 'Asia and Latin America began receiving assistance' (Smith, H. 2002: 207, 218). Thus, the initiative of giving development assistance started with the responsibility of the Union to develop its former colonies.

Since the beginning the EU development policy had a 'strong regional emphasis,' and priority was given to specific 'groups of partner countries, such as the African, Caribbean and Pacific (ACP) states, Asia and Latin American (ALA) countries, the Mediterranean nations, and later PHARE and TACIS countries'[11] (Ali 2009: 403). EUs development policies began to materialise when the eighteen African countries, mainly-ex-colonies of France and Belgium, under the Yaoundé Convention (1965) were associated with the EU.

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[11] PHARE was developed in 1989 as the Poland and Hungary: Assistance for Restructuring their Economic (PHARE) programme, after the 2004 and 2007 accession of Member States it currently covers ten countries: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, Bulgaria and Romania, in a period of massive economic restructuring and political change. TACIS (Technical Assistance to the Commonwealth of Independent States and Georgia) started in 2000 to promote democratization, rule of law and the transition to a market economy in the 11 States of the CIS and Georgia: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

The Lomé convention signed in 1975 created a model for development partnership between the industrialised country and developing country. The Cotonou Convention was a follow up to the Lomé Convention where new policies and objectives of development policies were made.

Early on during its evolution, the EU development assistance policy evolved without clear objectives or rationalisation. Initially, when the UK joined the EU, the question about the treatment of its ex-colonies in Africa, the Caribbean, and the Pacific was raised. The Lomé Convention in 1975 took measures to these questions of development by determining the use of EDF for some of the Commonwealth countries. Subsequently for the first time aid resources were made available to other Developing Countries (DCs) the following year. By 1977 cooperation agreements were signed with neighbouring countries in the southern Mediterranean. Countries in Asia and Latin America secured bilateral arrangements with EU, and subsequently, in the 1990s, the Eastern Europe and central Asia countries gained their respective regional programmes. With the termination of the Lome convention in 2000, the EU signed a new agreement with the ACP states in February 2000 in Cotonou (Partnership Agreement, 2000). The Cotonou Agreement of 2000 sought a more comprehensive reorientation of development cooperation. The Cotonou Agreement is based on four areas of change: 'restatement of the political principles of the relationship; agreement and definition of the central aims and objectives of development cooperation; new aid procedures; and a new trade relationship' (Arts and Anna Dickson 2004: 34). The evolution and historical legacy of EU's development policy has been a 'diffuse array of policies, budgets, administrative procedures and aid instruments' (Ali 2009: 410).

However, in the 1990s post-cold war, the EU's geographic priorities changed rapidly reflecting the changing importance of different DC regions in international trade. Under the ENP preference was given to stability and development of the neighbouring countries, while aid is given to nations sharing the nearest proximity to the EU (Ali 2009). However, there persist differences between those who advocate the 'regional approach,' i.e., priority 'on historical and strategic linkages' to former European colonies

and neighbourhood countries, and those who support a more 'global approach' based on poverty reduction (Ali 2009: 403).

3.2.1 EU's Development Cooperation Policy

The OECD's Development Assistance Committee (DAC) defines Official Development Assistance (ODA) as grants or loans with a concessional character conveying a grant element of at least 25 percent and implies that each transaction must administer with the promotion of the economic development and welfare of developing countries as its primary objectives (OECD).[12]

The distinct characteristic of EU external assistance programme is that it has two sources of funding; the fund is channelled through the EU budget and the other which is contributed by the member states to the European Development Fund (EDF) and comes outside the purview of the EU budget. Budget funds decision making requires the involvement of the major EU institutions, i.e., the European Council, the European Parliament and the Commission. The participation of significant political and the executive institution has proved to be cumbersome and problematic for achieving coherency in its development policy and many times resulted in the Union not being able to engage substantially in its assistance development programmes. Also, development assistance is a shared competence between the EU and its Member States resulting in overlapping policies and plans as well as the tendency of the Member States to engage rather individually due to its own political and economic interest.

The relationship between EU and developing countries generally confined to trade and development issues till the end of cold war, and primarily the remit of the European Commission (Smith 2002: 221). Post-Cold War, with the changed geopolitical situation, had a great impact on the EU's external cooperation priorities and thereby directly creating a change process in EU development cooperation policy. The changed geopolitical situation that emerged during the 1990s had a profound impact on the

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[12] OECD, DAC definition of ODA see URL:
http://www.oecd.org/dac/stats/officialdevelopmentassistancedefinitionandcoverage.htm

European Union's external cooperation priorities. The April 2000 Commission document reiterated the same:

> Development policy is today one of the three principal components of the EU's external action, alongside trade policy and the political dimension. In addition to the objectives specific to development policy, other factors – such as geopolitics, trade, and global environmental problem – affects the EU's external choices…. In this context the EU's objective interest has led it to give priority to the stability and development of neighbouring countries and to aid for countries in crisis in the region of the EU (European Commission 2004a: 4).

There always exists a gap between the agreement made and the performance of development policy. This gap by many critics is identified as the critical determinant of development policy outcomes (Arts and Dickson 2004: 150). Development policy has continued faced an increasing level of hindrance. Arts and Dickson (2004) identified three fundamental areas for the declining trend of aid effectiveness post 1989; Firstly a 'lack of value added', the development policy needs new ideas that are workable within the context of the recipient country and its imperative to have a political will to create such policies (Arts and Dickson 2004: 150). Secondly, the present aid regime covers a wider geographical area which is base on geopolitical interest, aid is no more confined to a particular individual group or beneficiaries moreover aid is no more about the need of the recipient country but has become more about furthering the political and economic interest of the donor countries. Lastly, development policies in the present context have increasing become more concern with 'form than substance' and the Community tries to increasingly enhance and create its image as a 'significant world actor' (Arts and Dickson 2004: 151). With the increasing amount of conditionalities attached to its development assistance and its increasing role in conflict resolution though not substantial, EU is trying to play the role of a global actor albeit without a political presence.

3.2.2 Objectives of EU Development Policy

The TEU established three main policy objectives. The TEU states that the EU development cooperation policy shall foster: 'the sustainable economic and social development of DCs, and more particularly the most disadvantaged among them, the smooth and gradual integration of DCs into the world economy, and the campaign against

poverty in DCs' (Article 117). The Article further states that the EU's policy shall contribute 'to the general objectives of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms' (Article 117). In the area of development cooperation policies, the TFEU states that EU and the Member States will have a shared competence in this area and that the member states shall not be prevented from following their independent policies (Article 214). Article 179 of TEU states the decision making should be based on qualified majority voting (QMV) using the co-decision procedure. However, decisions on EDF are excluded from the purview of article 179, and unanimity takes the decisions. As noted by the OECD, 'the EU is a unique donor in that it plays a dual role in development, as a bilateral donor providing direct support to countries and as a coordinating framework for the EU Member States' (OECD 2002a: 21).

In 2006 a joint statement was issued by the European Parliament, the Council and the Commission on EU's Development policy titled 'The European Consensus.' This consensus document for the first time provides a common vision to guide the action of both the EU and its Members States in development cooperation. The document reaffirms the commitment to eradicate poverty for sustainable development and growth in developing countries. The consensus has two parts, part I titled 'The Vision of Development' which sets out the common objectives and principles for development cooperation for both EU and it's Member States to follow (The European Consensus 2006: 2). Part II of the document titled 'The European Community Development Policy,' sets out the policy guiding the implementation of this vision at the Community level (The European Consensus 2006: 2). The document emphasis EU's commitment to strengthen policy coherence for development and coordination between the Commission's programme and it's Member States to ensure effective and more aid delivery in the field.

3.2.3 Political Responsibility of EU External Assistance

Through the Lisbon Treaty 2009, the creation of EEAS, a new facelift was given to EU's external assistance and development aid by arranging the organisational setting and five-staged programming and management cycle between the EEAS and the Commission

(Council Decision 2010). The institutional change of the EU development assistance policy is visible with the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission (HR/VP) and with the establishment of the EEAS through the Lisbon Treaty. These changes in a way tried to improved coherency, higher transparency, and the useful measures taken, and the EU's role as a global development actor has enhanced. Also with the objective to eradicate poverty in developing country through its development programmes, EEAS will have to promote and strive to achieve the goals set in 'European Consensus on Development' and the 'European Consensus on Humanitarian Aid.'

EU Delegations plays a crucial role in coordinating external assistance and development aid. They function as 'eyes and ears' on the ground and provide the 'point of contact and conduit to Brussels' (Furness 2012: 84). The EU Delegation is involved in the various stages of the planning and management, and also works closely with the diplomatic and consular missions of the Member States. They play a crucial role in coordinating the joint programming aid.

3.2.4 Political Conditionalities to Development Assistance

In the 1980s the dynamics of donor-recipient relationship change, beginning with the 'structural adjustment conditionality' in aid policies (Arts and Anna Dickson 2004: 19). This change is also referred to as 'economic conditionality of structural change' that demand the developing countries to reform its economic policies as a condition for receiving aid (Arts and Dickson: 24). Lomé IV Convention introduced changes under the broad heading of political conditionality. Donors have explicitly directed attention to political conditions for continuing the benefits of aid. These conditions cover the distinct areas of good governance, human rights, and democracy.

In the post-Cold War era, the new aid regime had three universal objectives: 'improvement of governmental and administrative capacity in developing country states; the further spread of respect for universal and fundamental human rights in line with international declaration; and the promotion of democratic structures, particularly multi-party elections' (Arts and Dickson 2004: 24). Primarily the shift in aid conditionality is

attributed to increasing demand for change in the political system of the newly independent states post-cold war and the requisite of the developed countries to stabilise the new developing countries both economically as well as politically.

In May 1991 the Commission presented a proposed resolution to the Council of Ministers which led to the formation of EU's policy on political conditionality (CEC, 1991). The resolution proposed the need to emphasise more on the issues of democracy and human rights in developing policies which have been caused by changes in the broader international arena. Subsequently, the Council passed a resolution on 'human rights, democracy and development,' in its meeting on 28 November 1991 (Council of Ministers, 1991a, 1991b). The resolution agreed to give priority to 'positive measures' in its development policy to support human rights and democratisation by supporting the holding of elections, creating democratic institutions, strengthening legal system and promoting the roles of the NGOs (Council of Ministers, 1991b). Also, the resolution also provided for negative sanctions in case of violations of political conditionalities, which included suspension of aid to the recipient countries. It stated that 'in the event of grave or persistent human rights violations or the serious interruption of the democratic processes, the Community, and its member states will consider appropriate responses' and such measures would include 'confidential or public démarches as well as changes in the content or channels of cooperation programmes and the deferment of necessary signatures or decisions in the cooperation process or, when necessary, the suspension of cooperation with the States concerned' (Council of Ministers 1991b: 13).

The distinct characteristic of the Lomé Convention IV (1995) is that it is the first development agreement to incorporate a human rights clause as a 'fundamental' part of cooperation (Article 5). The Convention confirmed human rights as an 'essential element' of cooperation and the possibility to suspend partially or entirely development aid in case of violation was introduced (Article 366 bis). The Cotonou partnership agreement continues to restate and reinforces the political conditionality present in the Lomé IV: 'Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU partnership, shall underpin the domestic and international policies of the parties and constitute the essential elements of this agreement' (Cotonou

Partnership Agreement 2000: Article 9). It was through the Cotonou agreement that a consultation procedure to determine grounds for suspension of aid in case of extensive human rights abuses was established (Article 96). Also, the Cotonou agreement has also facilitated various aid reduction strategies by introducing new rolling programs and mid-term reviews of Country Strategy Papers (CSP) against the states in conflict. The case of Zaire (1992) and Sudan (1990) has been examples of suspension of aid where social unrest and political repression led to widespread violence and ultimately civil war.

It remains a debatable question whether the EU's development cooperation has been able to achieve its objectives and principle effectively. With its primary goal to eradicate poverty through its development cooperation, it remains to be seen whether the EU as a global actor has the political will and capacity to become what Christopher Hill termed 'the bridge between the rich and the poor' (Arts and Dickson 2004: 3).

3.3 European Commission's Development Cooperation with Sri Lanka

The foundation for close cooperation between Sri Lanka and the European Community was laid by the Agreement between Sri Lanka and the Community signed on the 22 July 1975 (EEC Regulation 1965: 2410/75). Thus, making Sri Lanka one of the first countries in South Asia to have a cooperation agreement with EU. Article 13 of the cooperation agreement 1975 highlights the objective and areas of cooperation between the Community and Sri Lanka. The EU through its development cooperation aims to contribute to Sri Lanka's efforts to achieve sustainable economic development and social progress of its people through its development programmes (Article 13.1). The priority area of development assistance is towards the poorer sections, particularly rural development, covering policies on population, promotion of employment in rural towns, and role of women in development and training and institution building for the promotion of human rights (Article 13.2). To ensure programme efficiency and sustainability, the development cooperation mostly concentrated on the agreed priorities including poverty alleviation (Article 13.3). According to article 14, both the Community and Sri Lanka would direct their cooperation activities where ever possible towards poverty alleviation in Sri Lanka. The agreement also provided that the Community may support measures

launched by the Sri Lankan Government which are under the development cooperation (Partnership Agreement- No L 85/37).

The Joint Co-operation Agreement signed (1975) between EU and Sri Lanka establishes the framework for cooperation and formally governs the relationship between EU and Sri agreed to maintain the joint commission (Article 8) through which both entities will come together in order to cooperate in various development areas (Cooperation Agreement 1975). The Joint Commission provides a forum for initiating dialogue between the Commission and Sri Lanka and provides the Commission with an important input to formulate its country strategy policy for Sri Lanka.

On 1 April 1995, the Cooperation agreement between EC and Sri Lanka came into force (Council Decision 1995: 95/129/EC). The renewed cooperation signed in the midst of the ethnic conflict also intended to mitigate the impact of the ongoing conflict through the provision of humanitarian assistance to vulnerable groups within the population (CSP 2002-2003). Article 1 of the agreement states that 'the cooperation is based on respect for democratic principles and human rights, which constitute an essential element of the agreement' (Partnership Agreement 1995). In all its cooperation with Sri Lanka, EU has adhered to the conditionalities of Article 1 in its aid deliverance. The objectives of the development cooperation are given in Article 2 of the partnership agreement 1995. These objectives are diversification of trade and investment, promoting and facilitating connections between the business communities of Sri Lanka and the EU, strengthening of ties in respect of technical, economic and cultural matters, and building up Sri Lanka's capability to interact more effectively with the Community.

In October 1995, the Commission opened a Delegation in Colombo, signalling the dawn of a renewed relationship in development cooperation between the Commission and Sri Lanka. The delegation represented the Commission in Sri Lanka, and its role was mainly concern with providing information on political and economic developments, monitoring EC funded projects and programmes, as well as coordination with the EU Member States through their embassies and to disseminate information on EU matters. The primary aim of EU's development cooperation programme in Sri Lanka was to help improve the

living standards of the poorest and most disadvantaged sections of society. Development Co-operation projects aimed to address development in the social sector (primary education, health, AIDs awareness) and protection of natural resources (deforestation, irrigation, alkaline and development).

The CSP for Sri Lanka (2001) defined two broad criteria for cooperation. Firstly, to support activities and reform in both public and private sector which will promote economic growth and improve opportunity for all, and secondly to alleviate poverty specifically targeting the poorest and most disadvantages (CSP 2002-2006: 5). For 2007-2013 the focal area was to support Sri Lanka's peace process and poverty eradication in the North and East 'through sustainable integrated district development' and two non-focal area, i.e. trade and good governance (CSP 2007-2013: 3). The Commission earmarked an amount of 112 million Euros for projects to be developed under the CSP 2007-2013. The priority area of Multiannual Indicative Programme (MIP) 2014-2020 were guided by 'The Agenda for Change' which included 'support to political and economic reforms and good governance; to help creating economic growth and jobs that will genuinely benefit society and; to focus on sectors with a high impact on development' (MIP 2014-2020: 2).

Initially, the priority areas of EC in development cooperation to Sri Lanka were agricultural diversification and the rehabilitation of the irrigation system. In this area, the three key EC funded projects were Dry Zone Agricultural Development Project, the Mahaweli Consolidation Project and Monaragala Irrigation and Community Development Project (CSP 2002-2003: 17). However, a more significant share of the aid programme consisted of food aid. From the mid-1980s, the EC assistance to Sri Lanka focused on rural development, this particular shift in focus of priority area of EC's development assistance was initiated keeping in mind the ethnic conflict in Sri Lanka and the EU's effort to build local capacity in peacebuilding. EU's efforts were committed to resolving the root causes of the conflict as EU believed that poverty and the state of underdevelopment in rural area needs to be addressed if sustainable peace is to be achieved. Thus, EC funded programmes which were focused on poverty alleviation in rural areas through irrigation and water management projects to facilitate small farmers

(CSP 2007-2013: 4). However, since 1997 greater emphasis were placed in economic cooperation by the Commission.

With the exception of the certain project which was carried out in the later phase, other development aid projects suffered from start-up delays, followed by slow implementation. There have also been cases of interference by local politicians trying to influence project implementation for the benefit of their supporters. A significant amount of the food aid counterpart funds were not utilized. A large part of European Commission's development assistance to Sri Lanka is channelled through the European Civil Protection and Humanitarian Aid Operations (ECHO), this is mainly due to the conflict in Sri Lanka. ECHO was responsible for humanitarian relief operations, and the 'Aid to uprooted People' budget line for assistance programmes particularly for the displaced people in the North and East. This assistance was consequently enhanced in 2002 and 2003 in the light of the progress in the peace process.

Regarding its annual commitment, EU development aid to Sri Lanka has not been substantial though it covered a significant area of co-operation. To engage more effectively in Asia, the Commission came out with Asia Strategy titled 'Europe and Asia: A Strategic Framework for Enhanced Partnership'. This strategy sets out the general objectives and priorities of its development cooperation in relation to Asia and applies to cooperation in Sri Lanka as well.

The EC funded programmes covered the following sector: development co-operation, economic co-operation, relief and rehabilitation, humanitarian assistance, Non-Governmental Organisation (NGO) co-financing scheme, EIDHR, Co-operation in the area of migration.

3.3.1 Relief, Rehabilitation and Reconstruction Assistance

Relief and rehabilitation assistance became of the primary importance of EC's aid to Sri Lanka after the major outbreak of the conflict in 1983. Through its budget line to uprooted people (Budget line B73020), EU funded significant portion which was channelled through the United Nations High Commissioner for Refugees (UNHCR)

country budget for Sri Lanka. EU's relief assistance constituted providing urgent short-term humanitarian assistance to save and preserve the life of people facing serious difficulties as a result of natural or manmade disasters. Rehabilitation programmes were progressively followed by relief assistance in order to stabilize the economic and social situation and facilitate the transition towards a medium and long-term development strategy (European Commission 2001: i-ii). Relief and Rehabilitation programmes played a major role in assisting displaced people.

In 1999, the Sri Lankan Government with World Bank following wide consultative meeting with civil societies and the donor community developed the framework for Relief, Rehabilitation and Reconciliation. This framework was developed to address issues relating to policy and operational obstacles to the provision of relief and rehabilitation to the North and East areas and people affected by the conflict. The objectives of the framework were to strengthen Sri Lanka's capacity to: (1) ensure the basic needs to people affected by conflict; (2) rebuild productive lives where feasible; (3) facilitate reconciliation and partnership across ethnic lines (CSP 2002-2006: 7-8).

In areas most affected by conflict, the EC provided about 10.5 million EUR under the regulated 'uprooted people' for relief and rehabilitation operations. More than half of this aid has been implemented through UNHCR also another one year programme of UNHCR amounting to over 1.9 million Euros was funded by EC. The programme was aimed at achieving the following overall objectives: Minimize internal displacement and provide an alternative to refugee flight; Stabilize internal displacement and promote conditions conducive to durable solutions; Facilitate voluntary return and reintegration.

A four years programme of 4 million Euros under the budget line 'uprooted people' was jointly implemented by 3 NGOs namely, Marie Stopes International, Care Deutschland and Action against Hunger. The objective of this programme was to assist Internally Displaced People (IDPs) in various districts and provide them with basic resources to build their lives. The programme was divided into three components: reproductive health clinics and medical mobile services, water/irrigation/sanitation/food security and micro project. After the cease-fire agreement, the EC decided to finance two programmes

amounting to 3.35 million EUR to assist the IDPs and conflict-affected households. The programme was implemented through UNHCR and an International Non-Governmental Organisation (INGO).

During 2002-2006, two programmes on rehabilitation and reconstruction in the North-East was financed by EC. These were, a programme for the settlement of the Internally Displaced People (IDPs) by improving housing and better governance (10 million Euros), Additional contribution to the Dry Zone Project (0.98 million Euros) of Cooperative for Assistance and Relief Everywhere (CARE) for expanding rural development operations in the conflict-affected areas in Mannar district (CSP 2007-2013: 13).

In 2004 when the island country was hit by tsunami EU was also actively involved in the post-tsunami relief and rehabilitation through its Tsunami Indicative Programme. From 2005 to 2006, the EC raised 95 million Euros to Sri Lanka through its tsunami indicative programme. The EC funded livelihood development programme (5.5 million Euros) to six tsunami-affected districts in the North and East which was implemented through the UNDP. Another major project funded by EC was to construct road damaged by the tsunami from Matara to Ampara (conflict-affected area in the east) district. This project was implemented through ADB with an allocation of 39 million Euros. Also, the EC also took up the project to construct peripheral roads to the main road in the conflict-ridden Ampara district which was implemented through UNOPS with an allocation of 30 million Euros. The EC also invested 20 million Euros in projects aimed at providing sustainable livelihood and environmental support to the communities in the Ampara district which was the most affected by Tsunami, and implementation of this programme was done through United Nations Office for Project Services (UNOPS) and International Organisation for Migration (IOM) (CSP 2007-2013: 15).

Through its budget line, 'Aid to uprooted People' EU assisted in the development of IDPs and sanctioned an amount of 21 million Euros was sanctioned through this programme for the period 2003-2006. Also, EC contributed significantly to the demining programme. The EC contributed 13.7 million for demining after signing the ceasefire

agreement in 2002. It also supported Sri Lanka through the EIDHR Programme (CSP 2007-2013: 16).

However, most of the development assistance of the EC was implemented through NGOs and other international organisation like the UN. Political involvement of the European Union in Sri Lanka intensified after the 2002 Cease Fire Agreement. The EU was one of the four co-chairs, besides Norway, Japan and the US, appointed in June 2003 through the Tokyo Donors Conference to support and monitor the peace process. This support to the peace process was complemented by trade and economic assistance and a massive tsunami response programme in 2006.

In 2003, the aid commitment of EC was the only US $ 2.5 million or 0.2 per cent of the total aid commitments (Foreign Aid Review 2003: 25). And in 2005, EC had committed only US $ 16.96 million or 0.9 per cent of the total aid commitments to Sri Lanka (Foreign Aid Review 2005: 29). Though the Commissions made significant assistance for conflict-affected persons in Sri Lanka, the other major donors were Japan and Asian Development Bank. In 2003-2006, EC provided a package of 29 million Euros aid to support conflict-affected communities in the Northern and Eastern provinces and adjoining districts (EC 2011). The Financial assistance to conflict-affected persons was delivered through the European Union Assistance to Conflict-Affected Populations (EC-ACAP) which addresses the rehabilitation and reintegration needs of the IDPs in the North and East of the country (EC 2011). EC major funded projects during 2003-2006 were as follows:

Table 3.1 EC Funded Humanitarian Projects, 2003-2006

Partner	Action Title	Location
UNDP	Integrated Recovery and Resettlement Programme	Vavuniya, Mannar, Mullaitivu, Kilinochchi, Jaffna
Care International, Germany	Uprooted Peoples' Water and Sanitation, Agriculture and Resources Development Project	Trincomalle, Vavuniya, Anuradahpura, Kilinochchi, Mullaitivu

CARITAS, France	Support for the reintegration of the resettled people into six villages in Sri Lanka	Mannar, Anuradhapura, Puttalam
German Agro Action	Socio-Economic Rehabilitation of Resettled communities of previous uprooted families in conflict-affected areas of four districts in Northern Sri Lanka	Kilinochchi, Jaffna, Vavuniya, Mannar
World Bank	North East Housing Reconstruction Programme	Trincomalle, Batticaloa, Ampara, Vavuniya, Mannar, Kilinochchci, Mullaitivu, Jaffna
UNICEF	EC Assistance to UNICEF's Mine Risk Education and Survivor Assistance	Trincomalle, Batticaloa, Ampara, Vavuniya, Mannar, Kilinochchci, Mullaitivu, Jaffna

Source: The European Commission (2011).

Post-conflict most of the donors aligned with the Government priorities, i.e. 'Mahinda Chintana – Vision for the Future', Sri Lanka's Socio-Economic Development Strategy for 2011-2020, thus EU's aid effectiveness principles were not significantly applicable (MIP 204-2020: 2). After the UN panel report on Sri Lanka's human rights and violations, the Commission's DA was guided by UN's calls to engage in reconciliation and accountability (MIP 2014-2020: 2). Post-humanitarian assistance EU moved towards long-term integrated regional development at district level drawing lessons from three successive programmes of 2017-2013 CSP which are, "Assistance for Conflict-Affected People" (EU ACP) 2009-2013, "Socio-Economic Measures" (EU SEM) 2010-2014 and, "Support to District Development Programme" (EU SDDP 2012-2017). These programmes were to be implemented by linking Relief, Reconstruction, Rehabilitation and Development (LRRD) programme. The assistance was to be provident in the four provinces of North, East, UVA and Central Province.

The bilateral assistance during 2007-2013 amounted to € 110 million (EC 2016). During 2005-2015, EU assistance to Sri Lanka was approximately € 760 million through bilateral, regional and thematic programmes (EC 2016). Upto EUR 210 million was allocated to Sri Lanka under MIP 2014-2020 subject to human rights and the implementation of development cooperation (MIP 2014-2020: 8). EU regional

programmes complete the bilateral interventions in the areas of aid to uprooted people, environment and trade. Table 3.3 highlights the different regional programmes to Sri Lanka.

Table 3.2 EU Regional Programmes (in Euros Million)

Programme	Duration	Allocation	Objectives
Green Economy – Switch Asia	2014-2019	4.8	To contribute to economic growth and poverty and mitigate climate change through the promotion of sustainable consumption and production
Aid to Uprooted People – AUP	2010-2018	54	To help rebuild the life of war-affected returnees through the regional financing facility
Trade-Related Assistance - TRTA	2016-2020	8	To contribute to Sri Lankan's inclusive trade-led growth and regional integration, thereby contributing to poverty alleviation.
Asia Investment Facility (AIF)	2016-2019	5.7	Intended to assist the Sri Lankan Government to undertake a diagnosis, capacity building and corresponding restructuring of the NWSDB.

Source: European Commission (2016)

3.3.2 EC Economic Co-operation with Sri Lanka

Economic cooperation between EC-Sri Lanka was defined as a priority area for the future cooperation, mutual benefit and mutual interest being the main principles (CSP 2002-2006: 6). The focus area was on private sector linkages, joint ventures and institution building. For Sri Lanka, the EU is the largest trading partner where about 50% of Sri Lanka's export to EU is made-up of the garment (CSP 2002-2006, 3).

The objective of the economic cooperation was to promote EU-Sri Lanka trade and investment. The economic cooperation was aimed to improve the general framework for business, strengthening the institutional structures and trade facilitation between the two entities. Priority areas in the sphere of economic cooperation were the Sri Lanka Jewellery School, the ceramic industry, cooperation in the printing sector and the Sri Lanka Standard Institution. However, one of the main and serious projects was the European Business Information Centre (EBIC), which is located at the Trans Asia Hotel.

Other projects that later followed were projects on Intellectual Property Rights (IPR) and a Civil Aviation co-operation programme.

The total amount of assistance in the economic sphere was EUR 2.7 million (2002-2006). The economic cooperation projects were EBIC established in Colombo in 1998, the Regional South Asia Integrated Tourism Human Resource Development project 1995-1998, also the European Community Investment Partners (ECIP) scheme which made grants for part financing of joint start-up venture to promote industrial development. In 2006, the European Investment Bank provided credit lines of EUR 160 million to finance small and medium scale projects.

European Business Information Centre

One of the most prominent areas in economic cooperation was setting up of EBIC. The EBIC established in 1996 is hosted by the European Chamber of Commerce of Sri Lanka (ECCSL). The programme aimed to strengthen business links between Sri Lanka and the EU, to raise and promote the profile of European commercial interest. The general objectives of EBIC were, to raise the profile of the EU among the business community in Sri Lanka; to foster co-operation and to provide information on the Sri Lankan and European Business scenes; EBIC to complement commercial agencies of EU Member States, and the EC supports to EBICs in India, Indonesia, Malaysia, Thailand and Vietnam.

Apart from the EU-Sri Lanka economic cooperation, Sri Lanka has also benefitted from a wide range of other EC's regional instruments such as Asia Invest, Asia Urbs, Asia IT & C as well as Asia Eco-Ecobest.

EU's GSP Plus Scheme to Sri Lanka

The EU GSP plus schemes were granted to Sri Lanka from July 2005. This economic cooperation was in the aftermath of the 2004 Tsunami with the prime objective to introduce a special incentive programme for sustainable development and good governance. EU's import from Sri Lanka under the GSP Plus in 2008 amounted to EUR 1.24 billion, and the sector that benefited the most were t-shirts and other clothing items,

and fisheries (EC 2009). However, on 15 August 2010, EU terminated the GSP plus programme due to alleged violations and non-compliance of the human right conventions. On 19th May 2017, Sri Lanka was readmitted to EU's GSP Plus scheme. This readmission was made base on GOSL's commitment to adopt 27 international conventions on human rights. Sri Lanka will benefit from the removal of duties on 66 percent of tariff lines including textiles and fisheries.

EU's GSP Plus scheme has been the main instrument of trade between the EU and Sri Lanka. EU is the largest trading partner of Sri Lanka constituting about one-third of Sri Lanka's total export; the major share comes from textile and clothing followed by food products. Base on 2014 review, 8 percent o Sri Lanka's imported were from EU amounting to more than EUR 1.1 billion. Sri Lanka's export to EU is more than EUR 2.5 billion which is approximately 32 percent of Sri Lanka's total export. The garment sector which constitutes 60 percent of Sri Lanka's total export goes the EU market worth more than EUR 1.5 billion. After the end of the Sri Lanka conflict in 2009, the GDP of the country grew at an average of 5.8 percent a year, however, started to decline in the last years (World Bank 2018). The growth for 2018 is expected to rebound and is projected at 4.5 percent, however the external sector is predicted to benefit from EU's GSP Plus benefits (World Bank 2018).

3.3.3 Humanitarian Assistance through ECHO

The scope of humanitarian aid is defined in the proposal for a Council regulation concerning humanitarian aid (1996). Article 1 of the Council's regulation defines the scope of humanitarian aid as follows: 'The Community humanitarian aid shall comprise assistance, relief and protection operations on a non-discriminatory basis to help people in third countries, particularly the most vulnerable among them, and as a priority those in developing countries, victims of natural disasters, man-made crises, such as wars and outbreaks of fighting, or exceptional situations or circumstances comparable to natural or man-made disaster. It shall do so for the time needed to meet the humanitarian requirements resulting from these different situations, such aid shall also comprise

operations to prepare for risks or to prevent disasters or comparable exceptional circumstances.'

The Commission, through its Humanitarian Aid Office (ECHO), has provided humanitarian assistance to the victims of the conflict since 1993. In 2002, ECHO allocated EUR 1 million to assist the population of the Jaffna Peninsula ECHO's partners for this operation is the International Committee of the Red Cross (ICRC) and Action Centre Le Faim (ACF). This scheme allows for the improved delivery and distribution of relief items and transport of patients as well as staff of humanitarian aid organisation by boat, improvement of water and sanitary conditions for those sections of the population regarded as vulnerable.

The humanitarian assistance in the North and East was funded by ECHO through various INGOs including ICRC, Deutsche Gesellschaft Für Technische Zusammenarbeit (GTZ), Médicins Sans Frontières (MSF), ACF, and German Agro Action (GAA) (CSP 2007-2013: 18). However, the EC development assistance programmes, particularly in the North suffered from logistical problems from the start. Also, these programmes in the conflicted affected areas in the North faced restrictions on its supplies from the Ministry of Defence (Sri Lanka).

Due to the conflict in Sri Lanka, a major part of the EC development assistance was channelled through ECHO. The Commission with its partners has contributed about approximately Euro 170 million between 2006 to 2016 through ECHO to its projects and programmes in Sri Lanka. The primary areas of assistance through ECHO were shelter, non-food items, water and sanitation, food aid, food security and livelihood recovery, health and psychosocial support, capacity building, protection, mine action, disaster preparedness and coordination. Table 3.2 shows the Commission's Key allocations for humanitarian assistance in Sri Lanka.

Table 3.3 European Commission's Humanitarian Aid Allocation to Sri Lanka, 2004-2009 (in Euros)

Title	Duration	Purpose	Amount
Humanitarian Aid Decision for Protracted Humanitarian Crisis	14 months From April 2004	Conflict	5.5 million
Humanitarian Aid Decision for the victims of the tsunami in Sri Lanka and the Maldives	6 months From Jan 2005	Tsunami	10 million
Humanitarian Aid Decision for Mine action	12 months From Feb 2005	Mine Action	800,000
Humanitarian Aid Decision for the victims of Tsunami (Regional)	18 months From Jan 2005	Tsunami	37.7 million
Humanitarian Aid Decision for Protracted Humanitarian Crisis in Sri Lanka	14 months From April 2005	conflict	4 million
Humanitarian Aid Decision for the victims of Tsunami (Regional)	18 months From Jan 2006	Tsunami	8 million
Humanitarian Aid Decision for Protracted Humanitarian Crisis in Sri Lanka	16 months From May 2006	Conflict	7 million
Emergency humanitarian aid for the people affected by the internal conflict in Sri Lanka and for the Sri Lankan refugees living in Tamil Nadu	6 months From Aug 2006	Conflict	5 million
Humanitarian Aid for the IDPs, refugees and conflict-affected communities in Sri Lanka and Tamil Nadu, India	15 months From July 2007	Conflict	12 million
Food Aid and livelihood recovery support for vulnerable people living in the humanitarian crises.	24 months From Jan 2007	Food Aid	3 million
Food Aid and livelihood recovery support for vulnerable people living in the humanitarian crises.	18 months From Jan 2008	conflict	3 million
Humanitarian Aid for the IDPs, refugees and conflict-affected communities in Sri Lanka and Tamil Nadu, India	18 months From May 2008	conflict	14 million
Integrated humanitarian assistance to IDPs and conflict-affected the population in the Vanni, Sri Lanka	6 months from Oct 2008	Conflict	2 million
Integrated emergency humanitarian assistance and protection for the people affected by conflict in the north and east of Sri Lanka	6 months from Feb 2009	Conflict	3 million
Integrated humanitarian assistance to IDPs, returnees, host families and other conflict-affected the population in Sri Lanka	6 months From June 2009	Conflict	5 million

Humanitarian assistance to Sri Lanka refugees based in camps in Tamil Nadu	6 months From Oct 209	Conflict	1 million
Integrated humanitarian assistance to IDPs and conflict-affected the population in Vanni, Sri Lanka	6 months From Oct 2009	Conflict	5 million

Source: European Commission 2011.

3.3.4 NGO Co-financing Scheme

For the most of EC's development projects, the Commission was not directly involved but engaged through various INGOs. Thus, the NGO co-financing scheme has been an essential approach for channelling funds to different small-scale development projects implemented by the local NGOs in partnership with European NGOs. Table 3.3 shows the EC funded projects under the NGO Co-financing scheme.

Table 3.4 NGO- Co-financing Scheme

Project	NGO	Local Partner	Project Duration	Total Budget
Training and Reinforcement Programme of small and Rural Enterpreneurs , Sri Lanka	NGO CIPSI (Coordinamento DI Iniziative Popolari di Solidateta Internazionale)	PRDA (People's Rural Devloopment Association)	36 Months	499.000 EUR
Shilpa Development Centre	International Childcare Trust	Makandura Village Projects	36 Months	EUR 250.00
Wheelchairs and Special Seating for Children	Motivation Charitable Trust		24 months	EUR 600.000
Dairy Development and Income Generation Project	ADRA- Germany (Adventist Development and Relief Agency)		48 Months	EUR 432.000
Strengthening the Institutional Capacity of an NGO network	Voluntary Service Overseas		48 Months	EUR 1.1 Million
South Asia Agro-Processing Programme (including Nepal, Bangladesh and Sri Lanka)	Intermediate Technology Development Group (ITDG)		48 Months	EUR 1.5 Million

Source: Compiled by the author from the Country Strategy paper and Multi indicative programme for Sri Lanka

3.3.5 European Initiative for Democracy and Human Rights

The other instrument the Commission implemented to engaged in Sri Lanka's conflict resolution was the EIDHR. EIDHR aims to support human rights, democratisation and conflict prevention activities carried out in partnership with NGOs and international organisation. EC through its project 'Increasing the Constructive Participation of Civil Society in the Peace Process' has allocated funds for a project in Sri Lanka to be implemented by the National Peace Council (NPC). The programme aimed to increase and promote the constructive participation of women, and local peace committees in civil society and the peace process in Sri Lanka. Thus, the EU through the EIDHR made attempts to built local capacities in peacebuilding and contributed to the conflict resolution process in Sri Lanka

One of the strong bases for EU's comments and work in the human rights issues was through its engagement in two Electoral Observation Missions (EOM) to cover the Sri Lanka parliamentary elections in 2000 and 2001. This direct engagement of EU in the field has given the EU the opportunity through the Chief Observer's reports to comment on related governance and human rights issues (CSP 2007-2013: 29).

3.3.6 Co-operation in the area of migration

The EC cooperation also covers the area of migration and those people affected by migration as a result of Sri Lanka's conflict. The EC under the High-Level Working Group on Asylum and Immigration has allocated funds to two projects in Sri Lanka. One of these projects was titled 'Capacity Building in Migration Management and Preparatory Action for Return and Reintegration', and was implemented by the IOM. The project followed an integrated approach to enhance immigration management and return/reintegration capacities in Sri Lanka. The second project titled 'Establishment of a Field-Based Country of Origin Information Systems' (IES) was implemented by the International Centre for Migration Policy Development (ICMPD). This project aimed to streamline data and records of the migrants efficiently on the basis of their country of origin to better facilitate immigration management.

In this regard, the EC and Sri Lanka signed the EC-Sri Lanka Readmission Agreement (2005) through which the EC under its action plan on Asylum and Migration for Sri Lanka provided funds to implement measures agreed with the Sri Lanka Government in Cooperation and Coordination with the EU Member States. The first meeting of the Joint Readmission Committee (JRC) was held on 18th February 2013. Both EU and Sri Lanka showed commitment and interest to work in combating illegal migration, including human trafficking and crime related activities. And to establish streamlined procedures for the safety and orderly return of persons residing illegally in EU member countries and Sri Lanka.

Overview of EC's Assistance (2000-2017)

EU's assistance to Sri Lanka, both development as well as humanitarian, amounted to approximately EUR 760 million (EC 2016).

Table 3.5 Total EC Grants to Sri Lanka, 2000-2006 (in Euros Million)

Projects	2000	2001	2002	2003	2004	2005	2006
ECHO	1.2	1.2	6.3	8.8	7.3	37.7	20
ALA				1.976	13.15		
ALA- Small Project Facility				1.6			
ALA- EU-Sri Lanka Trade Development Project				1.4			
Aid to Uprooted People	1.52		7.25	4.5	4.5	6	10
EIDHR		0.495				0.490	0.375
NGO CO-financing	1.246	0.909	0.484		74	0.747	1.423
Rehabilitation			2		3.399		
Rehabilitation - tsunami						45	50
APL				0.8	1.239	1.3	
Migration		1.946	0.507	0.892		1.873	
Food Aid Counterpart Funds			0.7	7.3			
RRM			1.298	0.92		2.3	
Total	**2.72**	**5.929**	**16.964**	**28.672**	**29.588**	**95.41**	**83.448**

Source: Country Strategy Paper 2007-2013

Table 3.6 Total EU's (Including ECHO) Grants to Sri Lanka, 2007-2013 (in USD Million)

Sectors	2007	2008	2009	2010	2011	2007-2012 Grants & Loans	2013 Grants only
Agriculture			5.2		3.3	8.5	32.1
Economic Infrastructure			18		5.15	23.15	5.6
Social Infrastructure	32.41		30	11.8	5.15	79.35	34.97
Private Sector Development							5.6
Science & Technology							
Environment		2.86	1.46	0.95		5.27	
Finance & Banking						0	
Others	17.45	30.5	16.12	12.4	13.9	90.37	16.3
Total	**49.86**	**33.36**	**70.78**	**25.5**	**27.5**	**206.64**	**94.57**

Source: Multiannual Indicative Programme 2014-2020

Table 3.7 Aid Allocation Under MIP 2014-2020 (in Euros Million)

Programme	Duration	Allocation	Implementing Partner	Target Districts/Provinces
AAP 2015, Support to Integrated Rural Development in the Most Vulnerable Districts of Central and Uva Provinces.	2016-2021	30		Monaragala, Badulla, Nuwara Eliya and Matale
AAP 2016, Modernisation of Agriculture	2017-2022	30	World Bank	Monaragala, Badulla Matale, and Nuwara Eliya

AAP 2016, Support to Reconciliation Process GIZ	2017-2021	12	GIZ and British Council	
AAP 2017, Support for Modernisation of the Agricultural Sector	66 months from the date of entry into force of the financing statement	30	World Bank	

Source: European Commission 2016

3.4 Conclusion

The EU has assistance cooperation to Sri Lanka has spanned over an important wide area of development, however, in all the spheres of activity EU has not been able to perform and deliver the desired results effectively. The problem here lays both with the development policy of the EU as well as its reluctance to engage directly in Sri Lanka. EU's development policy suffers from duplication of tasks by different member states, the contradictions and inconsistencies between policies created by different commissions, and the lack of real dialogue between partners. Though the EU tried to engage with different instruments of cooperation, still its development policy is ineffective in the field though it might be principally convincing and sometimes over-ambitious. As Arts and Dickson put it, EU's development policy is, 'ineffective in the realm of producing, encouraging or facilitating development, although effective in creating the image of an actor engaged with the world's poor' (Arts and Dickson 2004: 14). Thus, EC engagement in Sri Lanka through its development cooperation can be summed up as EU only being a multilateral donor, not a major donor, which channeled all its assistance in grants through ECHO in partnership with NGOs, UN agencies and other actors and was primarily concerned with relief and rehabilitation for most of the past decade during the conflict.

Post-conflict through the MIP 2014-2020 the EU committed its development assistance with a new focus on providing long-term support towards poverty reduction and local economic development. The EU has become one of the largest grant donors to Sri Lanka by allocating EUR 210 million in its MIP 2014-2020. The latest development announcement made by the Commission was in 2016, an amount of EUR 38 million for rural development and trade. The Commissioner for International Cooperation and development, Mimica ahead of her visit to Sri Lanka to sign the agreement stated that "with this new project……we have a new opportunity to support governance and reconciliation efforts and help address the root causes of the conflict in Sri Lanka" (EC Press Release 2016). This statement indicates EU's interest to have a second chance in resolving the post-conflict situation and to reconcile the conflict parties by addressing the root causes of conflict through its development assistance. However, to make its post-conflict development cooperation effective and workable EU must draw lessons from its past experiences to effectively engage in post-conflict reconciliation. Unless reconciliation is established sustainable peace cannot be achieved.

Chapter 4

The EU and Conflict Resolution in Sri Lanka

4.1 Introduction

To understand that the conflict had been resolved peacefully between the parties, firstly one has to address the deep-rooted source of conflict so that the behaviour is no longer violent and hostile and as a result, there is a change in the structure of the conflict (Miall et al. 1999: 21). In the literature conflict resolution is defined as 'a situation where the conflicting parties enter into an agreement that solves their central compatibilities, accept each other's continued existence as parties and cease all violent action against each other' (Wallensteen 2007: 27). In the light of this definition, this chapter examines the role of the EU in the conflict resolution process of Sri Lanka. The chapter addresses the question whether the EU's aid political conditionalities have impeded the peace process and the process of conflict resolution in Sri Lanka. EU was a facilitator in the peace process as one of the Co-Chairs of the Sri Lankan Donor Group and also an aid donor to Sri Lanka though not substantial compared to other major donors.

In its CSP for Sri Lanka (2002-2006), the further enhancement of the funds for rehabilitation was conditional upon the progress of a peaceful negotiated solution to the conflict. To understand the impact of such conditionalities there arises the need to find answers to some of these questions; Did the conditionalities create a favourable environment to carry out the peace negotiation? Did such conditionalities drove the conflicting parties to create the environment for a negotiable peace or has the conditionalities impeded the peace process? This chapter examines the aid conditionalities of the EU to Sri Lanka and critically analyses the dynamics played by such conditionalities in the resolution of conflict.

In the second half of the 1990s, development assistance from EU to Sri Lanka became conditional through the Partnership Agreement of 1995. These conditionalities include respect for democratic principles and human rights (Article 1). Through subsequent resolutions and communications, the EU drew its attention to conflict and human rights violations, and consequently shifted its assistance to rehabilitation aid. The EU in its CSP for Sri Lanka (2001) defined two broad criteria for cooperation. Firstly, to support activities and reform in both public and private sector which promote economic growth and improve opportunity for all, and secondly to alleviate poverty specifically targeting the poorest and most disadvantage (CSP 2002-2006: 5).

The EU aimed to mitigate the impact of the then ongoing conflict through provisions made in Sri Lanka CSP (2002-2006) for humanitarian assistance directed to vulnerable groups within the population. The EU's development assistance to Sri Lanka was 'most closely aligned' with Norway where disbursement of development assistance was mainly for reconstruction of the northern and eastern parts of Sri Lanka (Jain 2015: 81, Sanchez-Cacicedo 2009: 2).

The protracted ethnic conflict of Sri Lanka was not only because of the ethnic difference of the people but also equally due to the political instability in Sri Lanka. After the elections in December 2002, the new government of Ranil Wickremesinghe came to power and made its main priority to resolve the conflict. Consequently, on 23 February 2002, a cease-fire agreement was reached and the first round of peace talks was held in September 2002 facilitated by Norway (CSP 2002-2006: 3). The Sri Lankan government's policy toward the donor engagement has been to avoid internationalisation of the conflict and to oppose any recognition of the LTTE. Thus, most of the humanitarian assistance in the North and East suffered from logistical problems since its implementation.

An element in the liberal peacebuilding which is closely associated with conflict management is underdevelopment (Goodhand and Klem 2005: 62). Thus development and humanitarian assistance are considered as strategic tools for conflict management and is characterised as the securitisation of aid (Duffield 2001). As the relation between

conflict and development became prominent, the third generation of aid conditionality emerged.[13] Peace conditionality as defined by Boyce, 'the use of formal performance criteria and informal policy dialogue to encourage the implementation of peace accords and the consolidation of peace' (Boyce 2002: 1025), was increasingly applied to aid in conflict-affected countries.[14] However, the total military defeat of the LTTE on May 2016 by the Sri Lankan Government points out that the role of the EU and the international community in the conflict resolution process has been very limited. Also, the various political powers at the time of the conflict had a different approach to the LTTE and the conflict. For instance, the People's Alliance (PA) government's 'war for peace' was clearly a factor for the reluctance of the international community to involve politically and financially in Sri Lanka (Goodhand and Klem 2005: 64).

During 2002-2004, international engagement corresponded to the principles of liberal peace-building, i.e., international support and pressure for the simultaneous pursuit of conflict resolution, market sovereignty and liberal democracy (NORAD 2011). In the Sri Lankan context, the attempt by the international community to combine externally facilitated mediation with state and market reforms was unprecedented (Bastian 2011, Goodhand and Walton 2009, Stokke and Uyangoda 2011). The international community assumed that through some devolution package a peace deal needs to be linked to political reforms involving democratisation of state, and the economic growth achieved through liberalisation and reconstruction package was expected to create a peace dividend and shared interest for peace by both the parties to the conflict (NORAD 2011). The EU is not an exception in following the same approach of liberal peacebuilding. This chapter examines whether EU conditionalities to its development assistance has created a peace dividend in Sri Lanka.

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[13] The first and the second generation of aid conditionalities are economic conditionalities and political conditionlaities respectively.
[14] EU along with the other international community linked its aid to conditionalities such as protection of human rights, cooperation with the international war crime tribunal and the right of people displaced by ethnic cleansing to return to their homes.

4.2 Policy Agenda of the Government of Sri Lanka

In examining the role of the EU as a development donor and its engagement in the conflict resolution process of Sri Lanka it is imperative to look at the policy of different political parties in power as they had an enormous impact on the dynamics of aid flow.

In August 1999, the PA coalition Government made the overall policy titled 'Vision for the 21st Century – Vision 21'. Vision 21 was based on accelerating the then rate of economic growth from 4-5 percent to 7-8 percent, and aimed to raise the per capita income from EUR 946 per year to EUR 2900 by 2010, and to reduce the budget deficit from 8 to 4 percent in the medium term and reduce the defence expenditure to about 3 percent of the Gross Domestic Product (GDP). The Government had a long-term plan for the development of modern infrastructure facilities and planned for further privatisation of public companies. The Government acknowledged that it was imperative to find a peaceful solution to the conflict to achieve the goals of Vision 21. Though the PA government's agenda has been very ambitious, it has miserably failed to carry out its policy agenda. The failure is mainly attributed to poor economic and financial management, conflict and increase defence expenditure, compounded by adverse global economic development during the Government's last two years in office (CSP 2002-2006: 6).

When the UNF Government came to power, new economic policy and agenda primarily focusing on further liberalisation and privatisation of the economy were prepared and presented with the budget in March 2002. For Sri Lanka, the principle development initiative was Poverty Reduction Strategy Paper for Sri Lanka, 'Framework for Relief, Rehabilitation and Reconciliation and Tertiary Education Strategy' (CSP 2002-2006: 7). However, the Union's much development assistance has been towards relief and rehabilitation through its programme for uprooted people and has not been able to contribute much to other initiatives. Just like the Government before it, the UNF Government was not able to attain its economic policy objectives. The reason is mainly the increase of defence expenditure to about 6% of GDP, the LTTE attack on the airport in July 2001 resulting in crippling of the economy of the country, and the global economic slowdown further aggravated the situation. For the first time since

independence, the GDP growth for 2001 was negative (CSP 2002-2006: 15). During the elections in October 2000 and December 2001, 'the EU Election Observation Missions were present to observe' the polls and the Missions reports of 'electoral violence, misuse of state resources and other related issues' (CSP 2002-2006: 9).

Successive economic policies were shaped by shifts in the international environment which had been instrumental in influencing trajectories of state building and conflict in Sri Lanka (NORAD 2011). The UNP, which historically was known as a right party, advocated 'market-oriented' economic policies, while the SLFP with the support of the peripheral rural base followed an orientation towards 'state-centred welfarism' (NORAD 2011: 21). However, in different ways, both orientations and associated economic policies were linked to ethnic polarisation and social disturbance (Venugopal, 2009).

The UNF and PA government both had varying views and difference when it came to the participation of international actor in the peace process. The PA government was reluctant about the internationalisation of the conflict and was sceptical of its implications to the sovereignty of the state (Uyangoda 2007). While the UNF, the engagement of the international community was viewed as an 'international safety net' whereby the ceasefire agreement will be guaranteed, and successfully worked upon (Uyangoda 2007: 35). The UNF government was positive that the economic dividend of peace could be achieved through international engagement in the economic reconstruction (Kelegama 2006, Bastian 2006). Thus the economic policies and approach of the government towards the LTTE and the Peace process change and impacted the dynamics of the conflict and its peace process.

4.3 Norwegian Facilitation in the Peace Process

Norway's engagement in Sri Lanka's peace process was as the sole facilitator of the Ceasefire Agreement (February 2002), one of the monitors of SLMM, and a significant bilateral donor.

The earliest peace agreement between the Government and the LTTE was the Cessation of Hostilities Agreement (CHA) signed in 1995, which was abruptly called off by LTTE citing that the Sri Lanka Government and the external monitors failed to maintain the

neutral characteristic of monitoring the ceasefire agreement and accusing the government of acting unilaterally (Balasingham 2004: 256). In October 2000, a Norwegian peace delegation visited Colombo and Vanni leading to the first Norwegian peace initiative. However, this first initiative miserably failed when LTTE wanted de-escalation as a precondition for the peace talks to which the Sri Lankan Government dismissed it as not required (Uyangoda: 34). In 2001, the UNF Government came to power and made conflict resolution its main priority and immediately revived peace efforts of Norway. On 24 December 2001, unilaterally the LTTE declared a cease-fire, the Government reciprocated. However, it was only on 23 February 2002 that a formal cease-fire agreement between LTTE and Government of Sri Lanka was reached under Norway's facilitation. This first round of peace talks gave the hope and confidence that the opportunity for a lasting negotiated peaceful solution could be attained. The donors were ready to support the peace process, and a meeting in Oslo in November 2002 led to the Tokyo conference in 2003. Though the ceasefire faced several hiccups, like violation of the agreement by both the parties and delay in the implementation of some of the provisions, both the parties showed interest in the implementation of the agreement.

On 25 November 2002, 20 donors pledged to provide assistance to meet the immediate needs and priorities to sustain economic and social progress in Sri Lanka which was considered the barriers to the resolution of the conflict. A total amount of about $ 86.6 million was pledged in addition to the normal country aid programmes. The key Donors of the conference were UK, Switzerland, Norway, Netherlands, Japan, Germany, and the EU. The European Union contributed about $37.2 million (Foreign Aid Review 2002: 21). In response to the humanitarian needs in the North and East of the country, the Oslo Donor Conference was held.

The rift in the peace process started as early as 2003 when LTTE was not invited at the Washington conference owing to US anti-terrorist legislation, which was a prelude to the Tokyo Donors Conference (NORAD 2011: 57). This created a situation where LTTE felt uncomfortable that its position as an 'equal partner' to the peace process was threatened (Uyangoda 2007: 36). Consequently, this led to the LTTE suspending its participation from the negotiation process in April 2003 steering the peace process to a protracted 'no-

war, no-peace' statement (NORAD 2011: 3). At the aftermath of the 2004 tsunami, many perceived it to be the ripe opportunity for the peace talks to resume and to reach a peaceful settlement. However, due to strong opposition from the Sinhalese politician against working with LTTE over governance and aid provisions, the P-TOMS agreement could not materialise and the parties slided into 'shadow war' (NORAD 2011: 3).

In 2005 when the Rajapaksa government came to power, the conflict was framed as a 'terrorist problem', and which needed 'to be solved through military means' (NORAD 2011: 3). The Sri Lankan government started its military offensive against LTTE in 2006 subsequently leading to the total military defeat of the LTTE on May 19, 2009. When both parties returned to war in 2006, Norway with other organisations such as UN, ICRC, EU and US worked to mitigate the humanitarian consequences of the war. However, Norway was not in a position to affect the outcome in a positive direction when there was no political will from the conflicting parties for a negotiated solution (NORAD 2011: 6).

Norway's role, apart from facilitating the peace process and talks between Government of Sri Lanka (GOSL) and LTTE also consisted of extensive economic reform programme, and an attempt to mobilise international support for both the agendas. The CFA made provisions for Sri Lanka Monitoring Mission (SLMM) consisting of five Nordic countries. The SLMM had two mandates, to report on truce violations and to address issues related to ceasefire violations (Goodhand and Klem 2005: 67). Article 3 of the Ceasefire agreement reads:

> The parties have agreed to set up an international monitoring mission to inquire into any instance of violations 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 fulfilment of the commitments entered into this Agreement (Ceasefire Agreement 2002, Article 3)

Norway, on the invitation of the GOSL and the LTTE, played a vital role in searching for a negotiated settlement to the fragile peace process. Brokering the Ceasefire Agreement between the LTTE and the GOSL was a historic achievement and applauded by the international community. Norway facilitated six rounds of peace talks between the two parties.

Table 1: Overview of the Peace Talks

When, Where	Who	Substance & Outcome
15 April 2002, Vanni, Sri Lanka	Meeting between Hakeem Sri Lanka Muslim Conference (SLMC) and LTTE leader Prabhakaran, without Norwegian involvement.	The two leaders discuss Muslims issues and reach a groundbreaking agreement, which is never implemented.
21 May 2002, Kilinochchi, Sri Lanka	Government and LTTE representatives	In their first meeting, the approach to the peace talks is discussed.
27 June 2002, Kilinochchi, Sri Lanka	Milinda Morogoda and Anton Balasingham (and his wife, Adele)	CFA implementations and modalities for forthcoming peace talks.
14 August 2002, Oslo, Norway	Government and LTTE representatives	The parties agree on Modalities for talks. The government agrees to de-proscribe the LTTE.
16-18 September 2002, Sattahip, Thailand	First round of formal talks between government and LTTE representatives.	Main points of discussion: 1. Implementation of CFA 2. Economic development and normalization.
31 October – 3 November 2002,Nakhon Pathom, Thailand	Second round of formal talks between government and LTTE representatives	The parties established three sub-committees: 1. Sub-committee on Political Affairs (SPA), to engage with the core political issues. 2. Sub-committee on De-escalation and Normalization (SDN) 3. Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN). None of the committees produces lasting results. The most significant one (SPA) in fact never meets.
25 November 2002, Oslo, Norway	Donor's conference with the two parties	Donors pledge US$ 70 million for immediate humanitarian aid.

2-5 December 2002, Oslo, Norway	Third round of formal talks between government and LTTE representatives.	The parties agree to develop an 'Action Plan for Children Affected by War' and discuss substantive political issues. Meetings end with a press statement that the parties agree to explore a federal solution. Meanwhile, Hakeem rushes back to Colombo to resolve an internal Sri Lanka Muslim Congress (SlMC) revolt.
6-9 January 2003, Rose Garden Resort, Thailand	Fourth round of formal talks between government and LTTE representatives	High-Security Zones, military issues and the malfunctioning of Sub-committee on immediate Humanitarian Rehabilitation Needs (SIHRN) discussed, but without agreement. The Sub-committee on De-escalation and Normalization (SDN) becomes defunct. The parties agree to create a gender sub-committee.
27-29 January 2003, Tokyo, Japan	Meeting between Solheim and the Japanese government	Prepare a donor conference in Tokyo.
7-8 February 2003, Berlin, Germany	Fifth round of formal talks between government and LTTE representatives.	Problems with Sub-committee in Immediate Humanitarian Rehabilitation Needs (SIHRN), LTTE child recruitment, and a naval clash that coincides with the talks.
18-21 March 2003 Hakone, Japan	Sixth round of formal talks between government and LTTE representatives	Naval issues, Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN), Tamil-Muslim relations in the east. With the help of Ian Martin, a session is held on human rights.

Source: NORAD 2011.

However, Norway has been under criticism for undertaking the roles of both facilitators of the peace process as well as the SLMM, as the public saw the two roles as contradictory (Goodhand and Klem 2005: 67). Also, SLMM is criticized for being

ineffective as over 3000 ceasefire violations were registered undermining the credibility of both the CFA and SLMM (Ibid.). An SLMM with a weak mandate was what the GOSL, the LTTE and India sought for, especially opposing major powers like EU and NATO members (Jain 2015: 108). The conflicting parties agreed to an SLMM to show that it has a good international image that it was committed to the peace process. In the south, the perception was that the CFA solely gave LTTE 'a license to kill' as 90 per cent of the violations were committed by the LTTE (Ibid.). Norway's role had been very critical with the change in different political regimes. For instance, when the Rajapaksa government came to power, it did not start on a good footing with Norway accusing it of supporting UNP during the election campaign (NORAD 20011: 57). Also, Norway's facilitating efforts were criticised by the Sri Lankan media and outsiders as well. In many occasions, Norway was accused of appeasing LTTE despite its human rights abuses and CFA violations in order not to disrupt the negotiation process, for excluding the Muslim and other legitimate groups from the peace process, and failing to handle the UNP-SLFP rivalry (NORAD 2011: 93)

It was not all smooth sailing for Norway as Norway was left with very limited room to navigate the peace process due to rivalries in Sri Lankan politics (NORAD 2011: 120). The issues within the Sri Lankan politics included the 'pathologies of the Sri Lankan state, the non-negotiability of competitive state-building projects, and the dynamics of ethnic outbidding and the inter-play rivalries and the history of failed negotiations' (Ibid.). Over time, Norway also lost public support for the peace efforts and SLMM leading to the media and opposition parties staging a protest at the Norwegian embassy in Colombo

It was hoped that Norway as a country 'lacking specific geopolitical and ex-colonial interest' will be able to act as an 'impartial third-party mediator' in the Sri Lankan conflict (Bullion 2001: 77). Amongst the four co-chair, Norway was the only one left to still hold talks with LTTE (NORAD 2011: 58). Norway's role in the Sri Lankan peace process according to Vidar Helgesen states that the 'peace diplomacy has been caught between anti-terror policies that it cannot influence and peace diplomacy ambitions it can't live up to' (Helgesen 2007: 1).

To sum up, Norway had a very limited role as a facilitator and both the parties to the conflict was clear of the role of Norway as clearly stated by the then Sri Lankan Foreign Minister, Lakshman Kadirganar to Frontline Magazine that 'When it comes to substantive negotiations the Norwegians will have no particular role at all…. They will have no mandate to make any judgmental decisions. In that sense, they're not arbitrators; they're not mediators' (N. Ram 2001)

4.4 EU and Tokyo Donor Conference

The objective of the Tokyo conference was to provide the international community with the opportunity to commit to the reconstruction and development of Sri Lanka and thus make an effort to make further progress in the peace process. At the conference, the Donors endorsed the Sri Lankan Government's 'Regaining Sri Lanka' initiative.[15] The primary objective was to revive the economy of Sri Lanka where the fruits of development can be enjoyed by all sections and consequently leading to fruitful progress in the peace process.

At the Tokyo donor conference, the donors pledged $ 4.5 billion in economic assistance to Sri Lanka in spite of the LTTE's decision to withdraw from the talks in April 2003. At the Tokyo conference, the Commission pledged EUR 50 million for the period 2003-2004, however, of the total amount EUR 17.5 million includes commitment made at the Oslo conference held on November 2002 (EC, 6 June 2006). Also, part of EUR 50 million was conditional upon resumption of the peace talk particularly marking EUR 5.3 million for the Reconstruction of the North East (Ibid.). Prior to the Tokyo conference, the European Commission adopted a EUR 3.27 million decision under its RRM in support of the peace process in Sri Lanka (EC, 3 June 2003). The aid commitments of the Tokyo conference were conditional upon the progress of the peace process within the parameters laid down in the Oslo Declaration. Another condition was the review of the peace process by the international community. Paragraph 20 of the Tokyo Declaration stated:

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[15] In 2003, the United National Front Government proposed the Regaining Sri Lanka Framework as a means through which economic development in some key sectors could augment the nascent peace process at the time.

> In view of the linkages between donor support and progress in the peace process, the international community will monitor and review the progress in the peace process. In implementing its own assistance programmes, the donor community intends to take into careful consideration the results of these periodic reviews. With full regard to the position of Norway as the facilitator, Japan, in cooperation with the United States and the European Union, will undertake necessary consultations to establish the modalities for the purpose as early as possible.

Thus, EU and the other Co-Chairs strongly expressing the relation between the donor support and the progress in the peace process took upon itself to monitor and review the peace process. Also as the Co-Chairs and facilitators of the peace process decided to undertake the responsibilities to establish the modalities to review and monitor the peace process as a condition for giving aid (Tokyo Donor Conference 2003).

For the LTTE the Tokyo donor conference provided more of an international safe net restricting the LTTE within the framework of the peace process as the assistance was conditional upon 'substantial and parallel progress in the peace process' (Tokyo Declaration on Reconstruction and Development in Sri Lanka, June 2003). Attaching the progress of the peace process to the development assistance was interpreted by both the parties as 'peace conditionality' (Goodhand and Klem 2005: 11). After the sixth round of peace talks the LTTE withdrew from the peace talks due to 'excessive internationalisation' of the peace process among other reasons, the seventh peace talk was scheduled in Thailand in April 2003 (Uyangoda 2007: 31). This turn of events begin with the exclusion of LTTE from the pre-donor conference meeting held in Washington D.C. Anton Balasingham, LTTE's chief negotiator and political advisor, in his letter addressed to the prime minister on 30 May 2003 stated that:

> …. Our sense of equal partnership in peace building and reconciliation suffered blow when the main international and regional players continued to treat the LTTE shabbily as a proscribed entity with a terrorist label to be executed from international forums. We are also concerned over the growing involvement in the peace process of international 'safety net' to bring undue pressure on the freedom of our people to determine their political status and destiny. (TamilNet, 30 May 2003)

The conditionalities of the Tokyo Declaration backfire, firstly, for the conflicting parties these conditionalities did not threaten them to come back to the negotiating table, and secondly, there was a growing difference among the international actor with some

withholding the aid while others continued their aid through the government. The Tokyo Declaration was ambiguous as there was 'no mechanism for ensuring compliance' (Goodhand and Klem 2005: 11). The Tokyo conference also brought to light the differences among international actors and also, there was fear that heavy internationalisation will lead to foreign interference in the peace process (NORAD 2011: 72). This was felt by the state as well when the new government came to power in 2004 and decided to reduce the role of international actors in the peace process.

The international community had their hopes high that the Tokyo Donor conference will provide an opportunity to 'create the pre-conditions for negotiations for peace' (Goodhand and Klem 2005: 88). However, the conference has miserably failed and is perfectly concluded by Burke and Mulakala stating that 'the GOSL left Tokyo with their pocket full, donors left Tokyo locked into a declaration that they were ill prepared to implement. The LTTE were simply left out' (Burke and Mulakala 2005: 11).

The Tokyo Donor conference was too ambitious given the fragility of the peace process, and when the LTTE did not even attend the conference it created a negative environment while undermining the importance of the LTTE as an equal partner to the peace process. Thus, the role of EU and the other Co-Chairs to the peace process of 2003 was limited as the desired result could not be achieved as both the parties resorted to violence and the peace process could not find common ground to resolve the conflict.

4.5 EU as Co-chair of the Sri Lanka Donor Group.

EU along with Norway, US, and Japan was one of the Co-Chairs of the Sri Lankan Donor Groups. EU as co-chair with the other members fully supported Norway's effort in the peace process and as one of the members of SLMM in monitoring the Cease-Fire Agreement (Joint Statement by the Co-Chairs 2006). However, the EU was a 'reluctant' co-chair who was roped in as a result of Sri Lankan diplomatic efforts (Jain 2015: 81, Solnes 2010: 389, Noyahr 2006: 367). Through a press release, the EU presidency expressed its grave concern for the ongoing violence in Sri Lanka seriously putting the Ceasefire Agreement and the peace process at risk (EU presidency press statement 2006).

As one of the Co-Chairs, the US did not have direct contact with the LTTE. US proscribed LTTE in 1999 under the National patriot's Act. In relation to LTTE, US policy was more align with GOSL at the same time the US constantly kept pressuring on issues of terrorism, recruitment, and human rights for which the US is accused of playing the role of 'bad cop' (Goodhand and Klem 2005: 66). Japan, as one of the co-chair and as one of the largest donor to Sri Lanka followed a policy where its development assistance was closely associated with peacebuilding (Ibid.). EU, on the other hand, is credited for its role as 'good cop' which was important to counterbalance the Indian and the US position, however, the EU's main policy was concern with the issues of peacebuilding, migration, democracy and human rights (Ibid.).

In the Oslo Declaration by the Norwegian Government in December 2002, with the participation of the LTTE and GOSL the three important major area of importance was the consolidation of the ceasefire; humanitarian and rehabilitation action and; political matters. Anton Balasingham, the chief negotiator of the LTTE, reiterates and clarifies that the LTTE advocates for a 'regional autonomous model based on the right to self-determination of our people in the historical areas where the Tamil and the Muslim people live…..This Federal form will be within United Sri Lanka', this comment was made to clarify the misconception that the LTTE favoured two independent states.[16] Through the Oslo declaration of December 2002, the Government of Sri Lanka and LTTE agreed to explore a solution based on a federal structure within a united Sri Lanka (European Parliament 2003).

EU's stand in the peace process in Sri Lanka was aligned to the Oslo declaration 2002, and this was clearly stated in the European Parliament resolution on Sri Lanka which stated:

> Calls on the Council, the Commission and the Member States to continue to monitor progress in the search for a lasting and equitable political solution based on respect for human rights and democracy and the rule of law, securing the interest of all peoples and communities on the basis of a federal structure within a united Sri Lanka (EP resolution on Sri Lanka 2003).

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[16] At the third session of the peace talk, held in Oslo, Norway from 2nd to 5th December 2002, Anton Balasingham the chief negotiator of the LTTE was present who made initial remarks on behalf of the LTTE and on the document of the peace talk.

EU as a peace facilitator, while condemning the role of the LTTE as a terrorist act has called for a democratically elected government as stated by European Parliament: 'whereas the European Parliament is unequivocal in its condemnation of terrorism and its support for democratically elected government' (EP resolution on Sri Lanka, May 18, 2000). Since the beginning, the EU's cooperation with Sri Lanka has been based on democratic principles and human rights, and these principles have guided EU throughout its engagement in Sri Lanka and which clearly did not deliver the desired result with the total military defeat of the LTTE in May 2009.

4.6 EU and Post Tsunami Relief and Rehabilitation

In 2005 many events coinciding had an adverse impact on the already fragile peace process. The United People's Freedom Alliance (UPFA) government which came to power in 2004 changed the political scenario of Sri Lanka drastically. The peace process had a grimed future in the new political environment coupled with the defection within LTTE and the 2004 Tsunami. Norway and EU along with other international donors attempted to coordinate a relief and rehabilitation programme which was to be jointly coordinated by the government and the LTTE. Though the P-TOMS was endorsed by both the Government and the LTTE, it could never materialise when the Janatha Vimukthi Peramuna (JVP) and the Sangha opposed a joint governance mechanism by both the Government and the LTTE (Holt 2011: 101).

The 2004 Tsunami that hit Sri Lanka and 12 other countries killed more than 160,000 people with 5 million people displaced and desperately in need of basic amenities like food, clean water, and medicine (EP resolution in the recent tsunami in Asia, Para B, 2005). Initially, the EU and its member state pledged almost € 1.5 million and expected further rise in the contribution. The Commission's commitment at the time was € 23 million, and another € 350 million was promised, whereas € 150 million to be taken from existing long-term development projects (Ibid. Para G).

Post-tsunami, one of the EU's key priorities which needed an immediate response from relief agencies was children orphaned by the disaster who were at high risk of abduction as well as physical and sexual abuse. In this regard, the EU called the attention of the

international community to pay special attention to the situation of the 1.5 million children (UNICEF estimates) made vulnerable by the disaster (Ibid. No. 6 and 8). This relief aid was disbursed under ECHO with mobilisation by the European Community Civil Protection Mechanism (CPM) supported by the European Commission's Monitoring and Information Centre (MIC), which has coordinated this assistance. (Ibid. No.15).

However, the EU aid has not been very easy to access, in this regard the EP in its resolution highlighted the importance of the request made by the affected governments requesting EU to simplify the application procedures for aid, in order to make it directly accessible to the local people in need (Ibid. No. 42). At the aftermath of the Tsunami disaster the EU called upon the GOSL and the LTTE to recommence the peace talk and to consider for the creation of a joint task for effectively distributing aid to the country (Ibid. No. 31). Post-Tsunami, all the communities of Sri Lanka showed massive support which was unprecedented since the beginning of the conflict, and EU like other international community saw this as the right opportunity to go ahead with negotiation process for a peaceful settlement to the protracted war of Sri Lanka and finally resolve the conflict. However, the efforts EU and the international community to resume peace talks as well as to establish a joint mechanism, including both the LTTE and the GOSL, for effective utilisation of aid relief for tsunami-affected victims could not materialise.

4.7 Migration (Asylum, Diaspora) and Readmission Policy

The Sri Lankan conflict had a 'spillover effect' regarding the number of asylum seekers in Europe especially in U.K. and France, which put the EU with most of its member states keen to resolve the conflict (Jain 2015: 79).

Sri Lanka over the years has become one of the major countries of migrant origin and asylum seekers. The reason for the rise of migration and asylum seeker from Sri Lanka is mainly because of the ethnic conflict, human problems, economic crises, and poverty. The number of asylum seekers living in Europe comes to about 200,000 with the number increasing each year (CSP 2002-2006: 14). In 2002, over one million Sri Lankans applied for asylum worldwide compared to 940,000 the previous year (UNHCR 2003). Sri Lanka

was the world 9th largest asylum seeker in the world by 2002. From the total of 10,158 applications, 7,519 were launched within EU from which UK received the highest number of applicants over 3,170 (UNHCR 2004: 58). From 2000 to 2002, the application launched by Sri Lankans fell from 3.1 percent to 1.9 percent of all asylum-applications lodged in industrialised countries (UNHCR 2003).[17] However, over the years we see a decrease in the number of asylum seekers with Sri Lanka ranking 23rd by the end of October 2003 (UNHCR 2004: 58). Sri Lankan nationals totalling 122,351 were granted asylum status worldwide by the end of 2001, out of which a large number sought residence in India followed by France, Canada and the U.K (UNHCR 2002: 57-8).

The EU constituted the Tampere Council in 1999 which called Sri Lanka for an Action Plan to address the heavy migration flows into Europe. To further address the issue of migration flows in Europe, the Re-admission Agreement was signed between the Commission and the Government of Sri Lanka in 2005 through which the EC under its action plan on Asylum and Migration for Sri Lanka provided funds to implement measures agreed with the Sri Lanka Government in Cooperation and Coordination with the EU Member States. The first meeting of the Joint Readmission Committee (JRC) was held on 18th February 2013. Both EU and Sri Lanka showed commitment and interest to work in combating illegal migration, including human trafficking and crime related activities. And to establish streamlined procedures for the safety and orderly return of persons residing illegally in EU member countries and Sri Lanka. National Coordinating Committee on Readmission (NCCR) was established by the GOSL to implement the Readmission agreement.

4.8 Truce, Human Rights Violation and Ethnic Cleansing

Sri Lanka's ethnic conflict has resulted in one of the greatest human rights violations committed by both the Sri Lankan Government and the LTTE. EU and the other international community's primary concern and criticism in the Sri Lankan conflict was the abhorrent human rights violation, consistently calling upon the parties to the conflict

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[17] The numbers of applications launched by Sri Lankan between 2000 to 2003 were as follows; 2000-16380, 2001-10158, and 2002-10158.

to improve their human rights issue by associating political conditionalities to their development assistance.

LTTE introduced suicide bombing to the world and was responsible for politically motivated killings, arbitrary arrests, torture, harassment, abduction, disappearance, extortion and detention, ethnic cleansing of Sinhalese and Muslim from its controlled areas, and most notably the recruitment of child soldiers as young as eleven years old. The Sri Lankan government has equally committed human rights violation militantly as well as politically. The ethnic cleansing of Tamils from Government on the pretext of national security was a violation of the Sri Lankan Constitution which states:

> The Sri Lankan constitution states that all persons are equal before the law, and no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds (Article 12).

The international community heavily criticised the Governments action, and its credibility was a question. Consequently, ethnic cleansing led to a further rift between the Government and the LTTE diminishing any chances of peaceful existence that might have occurred ().

Since 1994, the PA coalition Government took measures to address and improve the human rights condition in Sri Lanka. In this direction, Sri Lanka has ratified thirteen international human rights conventions, including the Convention against Torture (CAT) and the Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR). In 1997, the Sri Lankan Government constituted the National Human Rights Commission (NHRC). The Government also took measures to initiate several court cases on human rights violations, however, on records, the human rights violations improved but the reality was far from it. In 2006, when the Rajapaksa government decided to regain control of the north and eastern province it pursuit military offensive against LTTE leading to blatant human rights violations by both the Government and the LTTE.

EU, the international community, and the diaspora organization expressed their concern about massive human rights violations, while the Western Countries, having already

banned the LTTE considering it as a terrorist organisation but mostly for its brutal human rights violations, drew the attention of the government criticising its human rights violations. Germany was among the most critical amongst the donor officially freezing new aid projects to Sri Lanka (NORAD 2011: 62). EU as co-chair with its other members periodically issued statements to the Government concerning the human rights situation in the country leading to the installation of Commission of Inquiry (COI) by president Rajapaksa to investigate sixteen of the gravest alleged human rights abuses in November 2006. Consequently, through the efforts of Norway and the Co-Chairs, an International Independent Group of Eminent Persons (IIGEP) was created to monitor and exert pressure on the commission. However, the IIGEP failed to conduct any meaningful investigation as the Government was not willing to collaborate in the first place (Norad 2011: 62).

Lessons Learnt and Reconciliation Commission

On 15 May 2010, President Rajapaksa appointed the 'Lessons Learnt and Reconciliation Commission' (LLRC) consisting of eight members. The Commission's task was primarily to report on the lessons learnt from the ethnic conflict and violence during the period, February 2002 to May 2009 and to recommend the measure to ensure such recurrence does not happen in the future. Additionally, the Commission was to report if any person or group were responsible in this regard to establish accountability. In 2011, the EU through its high representative call upon the Sri Lankan Government to act expeditiously on the LLRC's recommendation and pointed out that such efforts would significantly contribute towards 'national reconciliation, including issues of devolution of land, distribution, independence of institutions, media freedom, language policy and openness towards the donor community' (European Union 2012). Also, the EU called upon the Government to engage with the United Nations Secretary-General (UNSG) and relevant UN bodies on the LLRC report and the report of the Advisory Panel appointed by the UNSG

After the bloody conflict, Sri Lanka committed to a new start to rebuild the state on the principles of equality and democracy and in this direction established the LLRC. The Government understood that to start over it was imperative to commit to endeavours for

rehabilitation and the restoration of democratic governance followed by reconciliation for sustainable peace. The mounting international pressure to investigate war crimes committed by both the Sri Lanka army and the LTTE towards the final stages of the war also contributed to the setting up of LLRC. The Commission was to report to the president within six months from the date of appointment. Consequently, on 16 December 2011, the Commission submitted its report to the parliament acknowledging the events and grievances that led to the civil war and made recommendations on the issue of governance, land issues and the need of a political solution. However, the report has miserably failed to provide for the comprehensive and independent investigation of alleged violations of international humanitarian and human rights law. The report is criticised for being just a product of what the government wants to show, also the LLRC did not have access to those information in the government's possession thus limiting its credibility to draw meaningful conclusions.

A consensus resolution was adopted by UNHRC in October 2015 where Sri Lanka pledged to undertake several human rights reforms including establishing a Truth Commission, a special court with international participation and to provide reparations among others. However, the report submitted in 2017 was given scant attention by the government while the senior cabinet ministers explicitly rejected the recommendations to allow foreign nationals to participate in the special court (World Report 2018). Though the government adopted International Convention for the Protection of All Persons from Enforced Disappearance, the Government is very adamant that the law would not be applicable retroactively and explicitly stated that it would not prosecute its war heroes (World Report 2018).

While the LLRC started off with a commitment to restore Sri Lanka and work towards sustainable peace, there have been challenges towards establishing accountability and reconciliation. The initiative has resulted in some tension between the Government and the army, where the army stated that investigation must be carried out however without undermining the hard-won peace. The present political rift in the National Unity Government of Sri Lanka constituting the two main political parties is a cause of concern which will have its consequences to the reconciliation process. After the huge defeat of

the Coalition government parties on 10 February 2018 government polls, the National Unity government came under troubled waters to reach consensus on the future of their coalition government with the prime minister coming under pressure to resign. From the history of Sri Lanka's ethnic conflict peace process, it is evident that a stable political structure is imperative to work out the framework and implement policies for a lasting peace.

4.9 Termination of GSP Plus on Sri Lanka's Export

At the aftermath of Tsunami 2004, the EU decided to grant GSP Plus to Sri Lanka starting July 2005 with the primary objective to introduce a special incentive programme for sustainable development and good governance. On 15 August 2010, EU terminated the GSP plus programme given to Sri Lanka due to serious human rights situations in the country and the alleged violation and non-compliance with the human rights conventions.[18] The EU's GSP Plus provides additional tariff reductions to support vulnerable developing countries, however, these benefits are conditional upon ratification of 27 international conventions (Bandara and Naranpanawa 2015: 1446). The EU's GSP Plus programme to Sri Lanka was officially introduced in 2005. In 2008, the GSP Plus programme was renewed and extended till 2011.

The EU's preferential trade agreement with Sri Lanka is conditional upon compliance with international human rights. Due to the blatant human rights violations and the need for the peace process to resume the Co-Chairs kept issuing statements to both the conflicting parties on this matter. In October 2008, EU received a comprehensive assessment on the Sri Lankan human rights situations from Norwegian envoy, underlining that the EU could apply pressure on the human rights situations (NORAD 2011: 64). EU launched an investigation into Sri Lanka's implementation of the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Yap 2003: 292).

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[18] EU's GSP Plus grants duty free export to all export products of Sri-Lanka.

A committee consisting of three experts was appointed to investigate the human rights violations, the commission submitted their report in September 2009. The Sri Lankan reception of the investigation was icy and did not cooperate with the investigation even going to the extent of not allowing entry of the Commision to the country (Yap 2013: 292-93). In October 2009 the Commission released a report showing a gross violation of human right by both the Government and the LTTE and stating that the ICCPR, CRC, and CAT were not implemented adequately. In 2010 February, the EU temporarily withdrew the GSP Plus incentives to Sri Lanka. Subsequently on 15 August 2010, EU terminated the GSP Plus benefits to Sri Lanka. As the aid provided by the EU was not substantial and due to the unresponsive attitude of the Sri Lankan government coupled with the reports of blatant human rights violations by international human rights NGOs, Brussels felt pressured to take a stance (NORAD 2011: 64).

However, the termination of GSP Plus to Sri Lanka was conditional upon implementation of the conditions laid down by the Commission which included improvement of human rights violations and the resumption of the peace process. Initially, EU was ready to discuss the GSP Plus with the Sri Lankan Government. However, the Government did not respond because the 15 conditionalities of the EU were non-negotiable to them. Thus, from 10 August 2010, GSP Plus to Sri Lanka was terminated, and it became a 'closed chapter' for both the EU and the Sri Lanka Government (Nizam 2011). It was the usual EU approach of carrot and stick to obtain compliance, which was in use since 1995 (Orbie and Tortall 2009). The carrot and stick approach as criticised by some critics that the approach will not be effective in democracy building, in the context of Sri Lanka stands right (Kelegama, 2010).

One of the major impacts of GSP Plus termination was in the Ready Made Garment (RMG) industry sector, leading to thousands of garment factory workers to lose their job, consequently creating a huge unemployment problem in Sri Lanka. The RMG sector provided the highest employment in Sri Lanka's manufacturing sector as it was a labour intensive manufacturing sector (Bandara and Naranpanawa 2015: 1443).

Under the EU's GSP Plus scheme the export items covered were approximately 7,000. Of the total Sri Lanka export to EU 60 per cent were apparel, 11 percent rubber products, 9

percent gems, diamond and jewelry, 3 percent vegetables and around 17 percent other products (Bandara and Naranpanawa 2015: 1448). The figures show that more than half of Sri Lanka export was from the RGM sector, which was also the driving force of employment in Sri Lanka thereby having an adverse impact on employment in Sri Lanka. In 2009, Sri Lanka's export was highest in the EU (36 per cent of total exports), followed by the United States (22.1 percent) and India (4.5 percent) (Bandara and Naranpanawa 2015: 1448).

EU was criticised by some critics that it gives GSP Plus schemes to developing countries in return for pro-EU policies and when this was not reciprocated the recipients are punished (Bandara and Naranpanawa 2015: 1450). According to Basham (2010), EU's decision to terminate Plus is compared to 'economic terrorism' against, and he provides three reasons that prove that EU's decision is not justifiable (Basham 2010, Bandara and Naranpanawa: 1450). Firstly, the poor rural people would be affected the most as it constituted the highest number of work force with over 1.4 million depended on the RMG industry. Secondly, EU's decision is not justifiable as it affected the lives of those people who were not at all in a position to take decisions, and lastly, Basham predicted that the sanction would not work. Clearly, the termination of GST Plus to Sri Lanka did not catalyst the resumption of the peace process in any.

In October 2013, while responding to the questions of the opposition, government minister Pinto Jayawardene for the first time admitted that termination GSP Plus resulted in 'closure of 25 apparel factories, forcing almost 10,000 people out of work, with the total loss to the country exceeding Rs. 782 million from apparel exports' (Bandara and Naranpanawa 2015: 1458). The RMG sector being the main manufacturing industry in Sri Lanka played a significant role in employment generation, increase in export revenue and the alleviation of poverty. The alleviation of poverty has been one of the guiding principles of the EU's development assistance to Sri Lanka. However, based on the reports it can be concluded that the removal of GSP Plus has had an adverse impact on the preconditions required (poverty alleviation) for a negotiable peace process to the conflict resolution process of Sri Lanka.

Re-admission of EU's GSP plus to Sri Lanka

On 19th May 2017, Sri Lanka was readmitted to EU's GSP Plus scheme. This readmission was made base on GOSL's commitment to adopt 27 international conventions listed in GSP Plus regulation and relates to human rights, labour, good governance and the environment. Sri Lanka will benefit from the removal of duties on 66 percent of tariff lines. The benefit covers more than 88 percent of Sri Lanka's total exports to the European Union, its largest export market. On 18 January 2018, the EU-Sri Lanka Joint Commission was held in Colombo where Sri Lanka stated that the readmission into the GSP Plus scheme has nearly double the country's export. Through the GSP Plus readmission the EU has been able to leverage to enter into human rights dialogue with the GOSL for the first time (EU 2018). To strengthen Sri Lanka's commitment to implement the provision of the 27 conventions, the EU works through the respective Working Groups and the GSP Plus monitoring process. GSP Plus monitoring mission in Sri Lanka was conducted from 5 to 13 September 2017.

However, the circumstances granting re-admission of EU's GSP Plus to Sri Lanka is highly debatable. The EU's pre-condition for granting GSP Plus was to replace the Prevention Act and make the Office of the Missing People fully operational, and these were to be achieved within a stipulated time frame. The Sri Lanka Government gave the EU a copy of Counter-Terrorism Act as the replacement of PTA, and the contents of which are still undisclosed (Rasingam 2017). 52 Member states recommended for the rejection of granting GSP Plus to Sri Lanka. The PTA is still in operation and has continued to impact the Tamil Community. In the 21st meeting of the Joint Commission held on 18 January 2018, EU clearly stated its expectation for the Sri Lanka Government to repeal the PTA at the earliest replacing it with legislations in line with other international standards. Also, the EU called on Sri Lanka to resolve at the earliest the situation of those remaining detainees held under PTA.

On November 2017, a Delegation of the European Parliament visited Sri Lanka to assess the developments made in the reform process of the country. The Delegation issued a statement expressing 'concern that the progress achieved has been slower than originally

hoped' however, the delegation believed 'that the foundations for that progress were mostly in place' (European Parliamentary Delegation 2017). The six EU delegations to monitor progress in human rights were in Sri Lanka from 4-6 April 2018. The focus of the visit was to ascertain the progress made in the area of the rule of law, reforming the PTA and efforts to eliminate torture and respect for labour rights.

The Sri Lanka Government needs to comply with the GSP Plus regulation, however, the efforts of the Government in this regard is compounded with challenges and lacks the Political will to commit. Thus, the EU must ensure that Sri Lanka applies the regulations of GSP Plus by committing to uphold basic human rights and accountability.

4.10 Banning of LTTE and Collapse of Ceasefire Agreement and SLMM

The LTTE felt that the peace conditionalities were for disciplining them and they also felt that the International facilitator did not consider the LTTE as an equal partner to the conflict (Goodhand and Klem 2005: 11).

On 10 April 2006, Canada banned LTTE following which the Council of the European Union banned LTTE on 30 May 2006. The proscription of the LTTE by the EU had a negative impact on the SLMM and consequently the peace process. SLMM consisted of five countries, and three of these countries were EU members, at the same time an EU member state headed the SLMM. EU was forewarned of the negative consequences of banning LTTE through a memo issued by SLMM leaders stating that such a step could 'aggravate the escalating dynamics of violence' (NORAD 2011: 60). The story takes a different direction from here, through Norway's initiative the second round of talks was fixed between the two parties in Oslo (2006), however out rightly the LTTE refused to meet the government delegations. The only bargaining Norway could do was guarantee the safety of SLMM staff. However, not very long the LTTE demanded the removal of EU member states from SLMM and consequently Denmark, Finland and Sweden withdrew. After the withdrawal, SLMM merely existed, and its presence in the field was ineffective and limited (NORAD 2011: 60). Thus, the mission was a failure.

The European Union, through the council decision of 29 May 2006, implemented Article 2(3) deciding to proscribe LTTE as a terrorist organisation (Council Decision 2006). EU

stated that the proscription of LTTE comes as no surprise because as early as September 2005 the EU was considering listing the LTTE as a terrorist organisation when LTTE continue human rights violations despite several warnings issued (Council Declaration 2006). EU stated that the decision to list the LTTE was 'based on the actions of that organisation' which was covered by the provisions of Article 1(3) of Common Positions (Council 2001).[19] However, the decision to list LTTE as a terrorist organisation was a tug of war among the EU members as not all the members supported it, and when finally LTTE was listed EU was criticised for falling under the pressure of the international community particularly the US (Jain 2015: 84). After the LTTE was proscribed, the EU called upon the international community to take robust and determined actions to investigate the agents of LTTE (European Parliament 2006).

The listing of LTTE as a terrorist oranisation entirely changed the dynamics of EU's involvement in the Peace Process to Sri Lanka's ethnic conflict. For the LTTE the EU was no longer 'an honest broker' in the peace process, and consequently, the EU lost its legitimacy to act as a facilitator in the peace process (Jain 2015: 84). An immediate boomerang effect was the LTTE informing Brussels to withdraw its member states from the SLMM (Ibid.). The proscription had negative ramifications especially for the SLMM consequently changing the dynamics of the conflict and resulting in escalation of violence. With the withdrawal of three members and just Norway and Iceland in the picture, the SLMM did not prove to be effective as it did not have the mandate nor the capacity to carry out investigations.

4.11 Conclusion

EU's development assistance policy towards Sri Lanka focused on conflict resolution, reconstruction where possible in conflict-affected areas, development through trade and good governance, including human rights and humanitarian assistance. The conflict-related and good governance support is fully in line with EU conflict prevention strategies and the EU's position and policy approach as one of the four Co-Chairs to the peace process.

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[19] Common Position Act lays down the criteria for listing groups or entities involved in terrorist acts and identifies the action that constitute terrorist act.

One of the prominent weakness in EU's development policy was to establish a concrete and practical relationship between the EC's long-term development cooperation and humanitarian assistance channelled through ECHO. This reflects that the EC and ECHO programme were very distant from one another hence forgoing the opportunity to work more effectively as a donor in the conflict resolution process of Sri Lanka. Also, Sri Lanka being a conflict country in crisis required flexibility in the development policy of the donors to meet the changing needs on the ground. However, EU's development cooperation to Sri Lanka and its policy approach was unable to adapt to the changing dynamics of the conflict.

The Sri Lankan's government attitude towards EU's development assistance was unsupportive as most fo its reconstruction and rehabilitation programmes suffered from political interference to logistical problems since the beginning. The government was more keen on the economic cooperation with EC who happens to be the largest trading partner of Sri Lanks.

The Tokyo Donors Conference held in June 2003 alleviated the position of the EU by appointing it as one of the Co-Chairs of the Sri Lankan Donor Groups. Through this role, the Union became an active partner in the peacebuilding project of Sri Lanka. However, after the proscription of LTTE as a terrorist organization the LTTE no longer trusted EU, resulting in a fractured relationship between the two and leading to a crippled SLMM. The termination of GSP Plus to the Sri Lankan export had a tremendous impact on the RMG industry leading to unemployment and consequently poverty, while on the first place the partnership cooperation was established with the primary objective to eradicate poverty.

The debate on the impact of peace conditionalities to Sri Lanka's peace process is highly controversial. Some critics argue that Sri-Lanka was not a massively aid-dependent country and therefore was not affected by the conditionalities. On the contrary, the protracted civil war led to a tremendous impact on Sri Lanka's economy and military resources making it dependent on the development assistance from the international community. For the Sri Lankan Government, the aid conditionalities created a psychological barrier while the LTTE accused that the conditionalities were meant to

discipline them. It is apparent that these conditionalities directly influenced the dynamics of the conflict and the peace process. Thus, the EU did not have a transformative effect in the roots of hostilities and failed to transform the local capabilities for peacebuilding. Therefore, it can be rightly concluded that the European Union's aid political conditionalities have impeded the peace process and the process of conflict resolution in Sri Lanka.

Chapter 5

Conclusion

In this study, I have tried to evaluate the role of EU in the conflict resolution process in Sri Lanka in attempting to look at the role of EU as one of the co-chairs of SLDG and its role in the conflict resolution of Sri Lanka as a DA donor. The core argument that the EU's aid political conditionalities have impeded the peace process and the process of conflict resolution in Sri Lanka has been critically analysed. The study has examined the context of Sri Lanka's conflict to understand the effects of the EU's engagement in the conflict resolution process. The study has examined the evolution of the EU's CFSP and its various tools of engagement in conflict resolution. The Study has also examined the development policy of EU and discussed the different EU's development cooperation to Sri Lanka and critically analysed whether the EU has been able to materialise its objectives and principles effectively. The study has also examined the role of the EU in Sri Lanka's conflict transformation process and tried to look at how it changed the dynamics of the conflict.

We have seen that the entire architecture of the Sri Lankan peace process was built around the international organisation. The EU attached a number of conditionalities to the aid such as- democracy, the rule of law, respect and promotion of human rights, economic development etc. If the disputants prevent a peace process without adhering to these conditionalities then according to the liberal peace argument, they are 'spoilers' (Newman and Richmon 2006: 2). The way in which EU and the international community perceived the solution to the conflict was 'a quick fix of democratic election and economic liberalisation, a so-called liberal peace' (Holt 2001: 1). The EU in its ambition to promote liberal peace in Sri Lanka completely failed to understand the dynamics of the conflict.

In Chapter one, I have examined the root causes of the ethnic conflict in Sri Lanka and to understand the context and the trajectories of the conflict. The Sri Lanka ethnic conflict was not an offshoot of one particular factor but closely interrelated issues that arose within a single context and often simultaneously. The island's population composition was multi-ethnic and multi-religious, where different ethnic and religious community dominated particular areas of the island. Thus, to a certain extent, ethnicity and religion had a regional basis making the LTTE have strong geographical dimension ultimately culminating in the demand for a separate state. One of the major factors giving birth to the conflict was both the Tamils and the Sinhalese claiming to be the original inhabitant of Sri Lanka. Also, the British Colonial rule for its own administrative and political strategy followed discriminatory policies which work against the Sinhalese and in favour of the Tamils. During the colonial rule, a sizeable Tamil population were in higher education and hold government positions. Thus, after independence, the Sinhalese felt the urgent need to promote and protect its ethnic community and religion.

The politics of language became a dominant political issue of the subsequent government after independence in the 1950s and played a significant role in escalating the ethnic conflict of Sri Lanka. The efforts of subsequent Sinhalese majority governments to revive the Sinhalese community initially resulted in tension between the Tamil and the Sinhalese community. The mainstream politics of the Sinhalese majority government to adopt Sinhala as the official language, introduction of new education policy leading to drastic fall in the number of Tamils enrolled in school, and the language and education policy had a direct affect on employment. The government's complete failure to address and redeem the position of the Tamils in the country led to the rise of Tamil extremism. LTTE under the leadership of V. Prabhakaran was in the forefront of the struggle demanding for a separate state of Eelam. Thus, the historical understanding and interpretation by the ethnic communities and the various events that led to the run-up of full-scale violence were closely inter-related and coincided. However, EU and the international community has completely failed to understand the context of Sri Lanka's ethnic conflict and thereby changing the dynamics of the conflict.

In chapter two, the EU's engagement in conflict resolution through its various tools of engagement is examined. The EU's conflict resolution function comes under the ambit of the CFSP. The CFSP has evolved both in terms of policies and content since its humble beginning in 1970 as EPC. The foundation of such a political community was built on the principles of human rights, democracy and the rule of law, and for promoting international cooperation. The CFSP is an ambitious policy but lacks the teeth to engage effectively in conflict resolution. The Lisbon Treaty (2009) gave a legal personality and a new facelift to the CFSP with the creation of the post of Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy.

The member state does not have a common footing when it comes to foreign policy and security issue as these areas are a sensitive subject for the member states. One of the significant attempts of EU to create a comprehensive approach to security was ESS. Though the ESS was expected to have a spillover effect in critically sensitive areas of foreign policy fostering a political will amongst the EU members has been a major challenge. In security areas, EU does not have the capability nor the political will to engage full scale independently and is more comfortable providing security under the shelter of NATO. It would be wrong to say that all is well in the arrangements between NATO and EU. Overlapping memberships of EU and NATO members and concerns over the duplication of assets and capabilities has been a major challenge, and this requires for both the partners to agree on modalities for crisis management operations. Improving the working partnership between the two institution remains vital to ensure effective consultation, cooperation and transparency in crisis management and peace-building operations.

The CFSP has not been substantially successful in overcoming the challenges to have a coherent foreign policy amongst its member states. Conflict prevention in Europe began with the economic integration in Europe and was later extended beyond Europe. However, EU still lacks clear objectives and policies to engage in conflict outside its borders and so far has not been very successful engaging in conflict prevention and resolution outside its borders. Though EU claims conflict resolution as a 'current and ongoing commitment (Marshall 2015: 23)' of the Union's engagement with neighbouring

countries and international partner but working this commitment into fruition is not free from challenges both within and outside of the EU. What EU requires is firstly to understand the dynamics of the conflict and then formulate clear doable and achievable plans and policies that are workable within the context of the conflict.

In chapter three, the various EU's DA to Sri Lanka and the challenges and efficacy of the implementation of the aid policies is examined. The chapter also discusses the evolution of EU's development policy. EU's policy of giving DA started with the responsibility of the Union to develop its former colonies. However, EU's DA was not all carrots, it had a bundle of sticks attached to it. Through the Lomé IV Convention EU explicitly directed attention to political conditions for continuing the benefits of aid. There is heavy criticism to the association of political conditionalities to EU's development assistance, however the possibility of EU reducing its aid conditionalities in the future is very unlikely (Lister 1998, Stokke 1995). EU's development Policy also suffers from a lack of coherency amongst its member states. The participation of significant political and the executive institution has proved to be cumbersome and problematic for achieving coherency in its development policy and often resulted in the Union not being able to engage substantially in its development programmes. DA is a shared competence between the EU and its member states resulting in overlapping policies and plans, and the tendency of the Member states to engage rather individually due to its own political and economic interest.

The EC funded programmes covered development cooperation, economic cooperation, relief and rehabilitation, humanitarian assistance, NGOs co-financing scheme, EIDHR and cooperation in the area of migration. The primary objective of EU's development cooperation to Sri Lanka was poverty alleviation. However, with large-scale outbreak of violence and destruction in the Northern and Eastern province the EU's DA shifted to rehabilitation and reconstruction programmes in the conflict-affected areas. This particular shift in the priority area of EC's DA was initiated taking into consideration the ethnic conflict in Sri Lanka and the EU's effort to build local capabilities in peacebuilding and to make efforts to resolve the root causes of the conflict. EU believed that poverty and the state of underdevelopment in rural areas need to be addressed if

sustainable peace is to be achieved. However, the EC funded projects suffered from start-up delays, followed by slow implementation. There have been cases of interference by local politicians trying to influence project implementation for political leverage. A large part of the EC's DA was funded through ECHO which is criticised for being compartmentalised leading to a regional imbalance between the South and the North of Sri Lanka. ECHO was responsible for channelling and implementation of the funds because EU was not willing to directly engage and get politically involved in the Sri Lanka conflict. The EU's member states had divided view when it came to the development policy in Sri Lanka with other member states having bilateral cooperation such as France, Germany, UK, and Denmark.

In chapter four, I have examined in detail and critically analysed EU's role in the conflict transformation process in Sri Lanka. The EU's role in the conflict resolution process of Sri Lanka was as one of the co-chairs of the SLDG and a DA donor to Sri Lanka. EU was a 'reluctant' co-chair, and one of the reasons for its involvement in the peace process is catalysed by a substantial number of refugees in the EU countries. However, in spite of being one of the Co-Chairs of the peace process there was a lack of direct interest and the EU involvement was rather a low key affair (Frerks and Klem 2002: 46). EU's aid programme has faced a lot of challenges in its implementation with the successive power regimes and the difficulty to access LTTE's treacherous terrain in the Northern and Eastern province. For Instance in 2005 when the Rajapaksa government came to power, the donors found it increasingly difficult to align its aid policies with the policies of the government which followed a cautious effort towards economic reforms.

Some critics argue that the threat to withhold pledge aid was 'meaningless' because it did not lead to both the parties returning to the negotiating table nor was the threat taken seriously by GOSL (Holt 2011: 103-4). However, one cannot discard that the conditionalities imposed were 'meaningless' in terms of the negative impact it had. Firstly, in the Tokyo donor conference it was decided to revive Sri Lanka's economy, and subsequently, the donors endorsed 'Regaining Sri Lanka' initiative of the GOSL. The conference started in high spirit with the donor's commitment for the reconstruction and development of Sri Lanka so that the fruits of development can be enjoyed by all sections

and subsequently leading to fruitful progress in the peace process. However, it was a missed opportunity again to bring the conflicting party to the negotiating table because the aid commitments were conditional upon the progress of the peace process. Such conditionalities have proved time and again not to be workable in the context of Sri Lanka's conflict, and it has only led in an attempt to change the dynamic of the conflict. It is argued that the aid conditionalities were a psychological barrier for the GOSL instructing how a democratic government should deal with a terrorist organisation. For the LTTE these conditionalities provided more of an international safe net restricting the LTTE within the framework of the peace process. While for the peace negotiation to work LTTE wanted to be recognised as a legitimate body, fighting for its legitimate rights, and to be equal partners in the negotiating table. The Tokyo Donor conference was too ambitious given the fragility of the peace process, and when the LTTE did not even attend the conference it created a negative environment while undermining the importance of the LTTE as an equal partner to the peace process.

A major part of the EU's aid was towards humanitarian and relief operations in the conflict areas of the Northern and Eastern province, to address the root causes of conflict and thereby contributing to the conflict resolution process in Sri Lanka. EU's cooperation agreement was conditional upon human rights, democracy, and good governance which did not work very well with the different policies of the Government of the day at the different point of time. The termination of EU's GSP plus to Sri Lanka's export has to a certain extent affected the peace process by directly affecting the employment of large rural sector leading to poverty. About 200 garment factories under regional development programmes to the Eastern Province and some parts of Northern Province were implemented. But due to non-adherence to the regulations of good governance, the EU terminated the GSP plus to the Sri Lankan garment factory which resulted in thousands of Sri Lankan losing their jobs creating unemployment to the weak economy. This was, in essence, contrary to the objective of EU's involvement in Sri Lanka, where its primary objective was to address the root causes of the conflict by eradication of poverty and the development of rural areas. The carrot and stick approach of the EU has not been effective in Sri Lanka to attend the desired result but has instead created a negative environment for the peace process.

It is often argued that in the intra-state conflict there is a possibility for biases in relation to external actors. EU through its statement has constantly condemned LTTE's actions as 'indiscriminate acts of terrorism' and through its resolution stated that 'the EU is unequivocal in its condemnation of terrorism and its support for democratically elected government' (Parliament Resolution 2000: 278-79). EU perceived the two parties to conflict as asymmetric. The proscription of the LTTE by the EU had a negative impact on the SLMM and consequently the peace process. The banning of the LTTE by the EU led LTTE to lose its confidence and declared that EU is no longer 'an honest broker' (Jain 2015: 84). EU was forewarned of the negative consequences of banning LTTE however, 'being pushed into it by the United States' EU proscribed LTTE on 10 April 2006 (Jain 2015: 84). The EU is criticised for mutely following in the footstep of the US and is considered being politically invincible. The banning of the LTTE had two major impediments to the peace process. Firstly, through Norway's initiative the second round of talks was fixed between the two parties in Oslo (2006), however out rightly the LTTE refused to meet the government delegations leading to another missed opportunity for peace negotiations. Secondly, LTTE demanded the removal of EU member states from SLMM. After the withdrawal, SLMM merely existed, and its presence in the field was ineffective and limited. Without a proper mechanism for establishing accountability of CFA violations and human rights, both the parties resorted to violence.

In relation to EU's engagement in war-torn countries, EU stated that its DA would be flexible with regard to the situation. However, the association of political conditionalities to its DA defeats the very idea of flexibility. Sri Lanka being a conflict country in crisis required flexibility in the development policy of the donors to meet the changing needs on the ground. However, EU's development cooperation to Sri Lanka and its policy approach was unable to adapt to the changing dynamics of the conflict. The EU's aid to Sri Lanka was not substantial compared to other major donors like Japan, World Bank and ADB. However, EU's political conditionalities to its development assistance to a certain extent affected the dynamics of the conflict as explained in the preceding paragraphs. The Sri Lankan conflict attracted multiple aid donors, and with that multiple aid policies ran parallel. Also, the multilateral and bilateral donors had their political conditionalities. This gives rise to two questions, firstly, did individually EU's

conditionalities affect the peace process? The answer would be yes, to a certain extent and I have substantiated my argument in the preceding paragraphs. Secondly, collectively did the collective aid conditionalities of the whole international community affect the peace process? And the answer is yes again. The argument for the answer to the second question is that the international community in their efforts to bring the Sri Lankan Government and LTTE to the negotiation process by applying conditionalities suffocated both the parties to the corner leaving no room for them to manoeuvre resulting in missed opportunities for meaningful negotiations to take place for a peaceful settlement. The international community did not understand that they did not own the conflict, but instead they were supposed to be facilitating the peace process. The Rajapaksa government started an offensive military campaign against the LTTE in 2006 with the total military defeat of the LTTE in May 2009. The EU's project of liberal peacebuilding in Sri Lanka has clearly failed as EU, and the international community could not yield the peace dividend to the protracted ethnic conflict of Sri Lanka.

The EU to engage effectively in conflict resolution as an external aid donor it is imperative for EU to develop aid policies which are workable within the structure and dynamics of the conflict. The problem here lays both with the development policy of the EU as well as its reluctance to engage directly in Sri Lanka. Also, EU's development policy suffers from duplication of tasks by different member states, the contradictions and inconsistencies between policies created by different commissions, and the lack of real dialogue between partners. Though the EU engages with different instruments of cooperation still its development policy is ineffective in the field though it might be principally convincing and at times over ambitious.

Post-Conflict Sri Lanka and EU: The Way Forward

The Joint Commission resumed dialogue on 3 December 2013 between EU and Sri Lanka, which was the first after the conflict ended in 2009. The last time such dialogue could be held was in its 17th session in 2008 after which due to full-scale violence from both the party to the conflict cooperation dialogues were suspended. The Commissioner for International Cooperation and development, Mimica ahead of her visit to Sri Lanka in 2016 to sign the development agreement stated that "with this new project……we have a

new opportunity to support governance and reconciliation efforts and help address the root causes of the conflict in Sri Lanka" (EC Press Release 2016). The EU is given another chance to address the root causes of conflict through accountability and reconciliation. It is of grave concern that the LLRC's report points out the centralised and military government control in the Tamil dominated Northern Province and the Government reluctance to reconstruction and development in the former war-torn areas of Northern and eastern provinces. The EU through its support for the integrated sustainable development of district programme can access these areas to contribute to building the lives as well as addressing the root causes of conflict for attaining sustainable peace.

From a small donor in terms of development assistance contribution, the EU has become a major donor to Sri Lanka, allocating EUR 210 million in its MIP 2014-2020. And with the readmission of the GSP Plus scheme, the EU is the highest trading partner of Sri Lanka. This new role of EU puts it in a position with a significant role in building post-conflict reconciliation for sustainable peace. However, the EU, with its long history of cooperation with Sri Lanka, must take measures that are workable and achievable and learnt from its past engagement which policies are workable. The Readmission of GSP Plus benefits to Sri Lanka has given EU the leverage to have dialogues and enforce human rights principles and to establish accountability of alleged human rights violations by both parties which are imperative for lasting peace and non-recurrence to conflict.

However, there are pertinent challenges that face EU in its mission for peace and reconciliation. There is still a wide rift between the Tamil and Sinhalese community with both the community blaming the other for the protracted civil war and the violence that followed. Also, the strong stance of EU to comply with the regulations of the GSP plus and to conform to the reform process of the Government are welcome by some sections and opposed by some sections as well, so far the government has been opposing the international participation in the special courts for independent investigation of alleged war crimes. The Reconciliation process is led by the Sri Lanka foreign ministry and not the Justice Ministry, this is also to limit the participation of international actors thus seriously questioning the credibility of the whole exercise. Re-admission of GSP plus has

made EU an important and influential actor, however, in case of sanctions threats, Sri Lanka can be held up by its partners China, India and Russia. Thus, the EU needs to understand the trajectories of the post-conflict reconciliation process and play its card well inorder to establish accountability and reconciliation for lasting peace in Sri Lanka.

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