

Terms of Reference

Evaluation of Norwegian peace efforts in Sri Lanka

1997- 2009

1. Introduction

For several years, Norway was involved in efforts to contribute to a peaceful solution to the conflict in Sri Lanka. After the military victory by the Sri Lankan army over the Tamil Tigers (LTTE) in May 2009, Norway no longer has a special role. For public interest and for the purpose of learning and competence building in the field of peace and reconciliation, an independent evaluation of the Norwegian peace efforts in Sri Lanka will take place.

2. Background

In 1999, Norway was invited by Sri Lankan authorities and the LTTE to act as a facilitator for negotiations between the parties to the conflict. The mandate was to facilitate a peace process owned by the government and the LTTE. Norway was asked to bring the parties to the table and assist with negotiations and communication between them as well as with the outside world. The parties agreed to a ceasefire in 2002. This opened up for further six rounds of peace negotiations, which among others resulted in the parties agreeing to explore a federal solution within a united Sri Lanka. The ceasefire and negotiations opened up for a gradual reconstruction and rehabilitation of the former war zones.

As part of the ceasefire agreement, a Nordic civilian monitoring group, the Sri Lanka Monitoring Mission (SLMM), was established under Norwegian leadership. The mission was charged with overseeing the implementation of the ceasefire agreement.

During the donor conference in Tokyo in 2003, promises were made of 4,5 billion USD in international development assistance. The “Tokyo Co-Chairs”, comprising the US, EU, Japan and Norway, were established.

The conflict escalated in 2006. Attempts were made to convince the parties to stop the escalation of violence, but the number of military confrontations increased.

After consultations in Geneva in October 2006, it was made clear to the parties that there was no room for facilitation without political will. At the parties’ request, Norway agreed to maintain the facilitation infrastructure and capacity, and keep communication lines open. SLMM was withdrawn after a unilateral decision by the Sri Lankan government to end the ceasefire agreement in January 2008. In the last phase of the war, Norway, together with the UN and others, conducted diplomacy to limit civilian suffering and to get the parties to respect international law.

In Norway there was a broad political consensus in favour of the peace process. The role as facilitator was carried out under four successive foreign ministers from three different political parties.

The total Norwegian development cooperation with Sri Lanka amounted to approximately NOK 2,5 billion during the period 1997 – 2009. Out of this, approximately NOK 100 million was allocated to activities aimed at directly supporting the peace process, including the Sri Lanka Monitoring Mission (SLMM) and the peace secretariats of the parties.

3. Purpose and Objectives of the Evaluation

Purpose and Intended Use

Learn from the unique Norwegian experience as a facilitator in the peace process in Sri-Lanka.

Intended users of the evaluation are

- Policy-makers in the Norwegian Ministry of Foreign Affairs
- The general public

The results of the evaluation shall be used to inform future support to peace processes, and competence building seminars in the Ministry of Foreign Affairs and the academia. Evaluation results shall also contribute to the academic debate on international efforts to resolve conflicts.

Objectives

- Tell the story of Norwegian peace efforts in Sri Lanka 1997 – 2009.
- Interpret and discuss the choices made by Norway as a facilitator during the entire peace process (1997-2009) in light of the knowledge and opportunities available to Norway at the time.
- Assess the Norwegian understanding of the conflict at the time, and how this understanding was developed and evolved.
- Discuss how key actors and factors have driven and influenced the conflict at relevant stages over the years.
- Discuss whether Norway, through its facilitator role, contributed to results at different levels in various phases of the peace process.
- Learn from experiences in these peace efforts.
- Provide recommendations to inform future peace processes.
- Contribute to the international debate on conflict resolution.

4. Scope and Delimitations:

The evaluation shall cover Norwegian peace engagement in Sri-Lanka in the period 1997 – 2009. The main focus for the evaluation will be the role and performance of Norway as a facilitator of dialogue in the peace negotiations between the parties. The evaluation shall be explorative in nature, seeking to *understand* the conditions and room for maneuver that Norway as a facilitator operated under at the time. Further, how Norway managed the process and its relationships to parties to the conflict and actors involved in supporting the peace process (including the international community) shall be assessed. An understanding of the Norwegian role as a facilitator and how it evolved and adapted to changing circumstances shall be sought. The pre-conditions that Norway had for taking on this role and doing the job will be assessed.

The way in which Norway managed the process and used the resources at its disposal to support the peace process with direct activities, such as the SLMM, the peace secretariats and the different subcommittees shall be addressed.

Relevant parts of the broader Norwegian engagement in Sri Lanka shall be reviewed as to whether it could be seen to support Norway's role as a facilitator in the peace process.

The focus should be on process as well as results (here defined as immediate outcomes). The team shall identify whether immediate outcomes, positive or negative, unintended or intended, were achieved at different levels during the peace process, and the influence of the results on the process.

The Norwegian engagement can be divided into four phases: 1997-1999, 1999-2002, 2002-2006 and 2006-2009.

- In the first phase, from 1997 to 1999, an agreement was made between the Norwegian and the Sri Lankan government that Norwegian development cooperation should support a negotiated solution to the conflict. Norway had quiet contact with the parties to the conflict.
- In the second phase, from 1999 to 2002, the LTTE and the Sri Lankan government asked Norway to be a facilitator. A ceasefire agreement was negotiated. The Nordic civilian monitoring group, the Sri Lanka Monitoring Mission (SLMM), was established under Norwegian leadership.
- In the third phase, from 2002 to 2006, Norway was a facilitator between the parties in six rounds of negotiations, which among others resulted in the parties agreeing to explore a federal solution within a united Sri Lanka.
- In the fourth phase, from 2006 to 2009, the escalation of the war puts an end to an active Norwegian facilitator role. At the same time, Norway is in dialogue with the parties and the international society to limit the civilian suffering and to get the parties to respect international law.

4.1. Evaluation questions

4.1.1.

a) Map the Norwegian engagement in Sri Lanka from 1997 - 2009:

- How did Norway become engaged in peace facilitation in Sri Lanka?
- The Norwegian role and mandate in the peace negotiations, including number and character of peace negotiations, public and discrete.
- The institutional set-up of the peace facilitation.
- The Norwegian strategies and interventions aimed at supporting the peace process.
- The conflict picture and context in Sri Lanka at the time that Norway was invited to facilitate, and how it evolved up to 2009.
- Role of the international community in Sri Lanka

4.1.2

b) *Assess the role as facilitator between the parties on one hand, and the relationship to the international community on the other.*

- Assess the relation to the international community, including the participation in the “Tokyo Co-chairs”, the relationship to the UN, international organizations and other donors.
- Assess the relationship to regional actors, such as China and India
- How was the Norwegian relationship to the LTTE, and what means were available to influence the LTTE (economically and politically)?
- How was the international community’s relationship to the LTTE?
- How was the Norwegian relationship to GOSL, and what means were available to influence GOSL (economically and politically)?
- How was the international community’s relationship to GOSL, and to what extent did they have a coordinated approach?
- Norway’s relationship to the Tamil diasporas (in Norway and internationally).
- Assess the impact of the Norwegian politics and public opinion on the Norwegian role as a facilitator.

c) *Assessment of the Norwegian facilitator role and the relationship to local parties and stakeholders:*

- Discuss the usefulness of public versus discrete peace negotiation.
- Discuss challenges for Norway as a facilitator in terms of defining the different parties at different stages in the conflict.
- Assess how Norway as a facilitator managed the question of impartiality (state versus non-state party, terror-listing of the LTTE).
- How did the facilitator follow up when the parties did not adhere to agreed commitments and intentions?
- How were interested parties with influence on the process identified and followed up? This includes the relationships between the Prime Minister and the President, between the government and the opposition, the relationship between religious groups and between different state institutions (military forces and others).
- Assess the facilitator’s relationship to civil society, media and the Muslim community in Sri Lanka.
- How was the gender dimension, with special reference to UN SC resolution 1325, followed up by Norway?
- To what extent was the broader Norwegian aid portfolio geared towards supporting Norway’s role as a facilitator of the dialogue in the peace process. Was the aid portfolio adapted to the changing context?

d) *Assessment of the Ceasefire Agreement and how the parties observed it*

- Assess the CFA; what were its qualities and defaults?
- SLMM’s mandate; what was its room for maneuver and its limitations?
- How were the dual roles of Norway in being the facilitator on the one hand and in charge of supervising the compliance with the ceasefire agreement on the other, managed?
- How did Norway follow up violations of the ceasefire agreements?
- Were any alternative options considered?

e) *Assessment of Norway’s efforts in the last phase of the war (January – May 2009)*

- Discuss the alternatives for intervention available to Norway and the international community in the final phase of the war.
- To what extent did Norway's contact with the parties contribute to limit civilian suffering and prevent a humanitarian crisis?
- Assess Norway's and the UN's efforts to get the civilians in LTTE-controlled territory released, and facilitate surrender by LTTE.
- Describe strategies and objectives of the conflicting parties, including the change of international allies by the Sri Lankan government in the last phase of the war.
- How did international pressure on GOSL and the LTTE to abide by international humanitarian law influence the events?
- What was the international community's response to GOSL's actions in this period?
- Which role did Norway have in this last phase?

f) *Assessment of results achieved through the Norwegian facilitation of the peace process*

- identify positive, negative, intended or unintended immediate outcomes from the Norwegian engagement in the various phases of the peace process.

g) *Recommendations*

- What are the lessons that Norway can take away from the Sri Lanka experience and use in future similar processes?

5. Evaluation Approach and Methods:

A historical interpretative approach shall be applied, understanding actions, statements and policy goals in their historical context and in line with established values norms and traditions at the time. Patterns should be detected in order to learn and generate lessons that can be useful for similar work in the future. A peace dialogue running for a ten year period is a dynamic and moving process and should consequently be studied as such.

A conflict analysis developed or put together by the team will provide the context for the peace negotiations and serve as a bench mark against which the Norwegian understanding of the conflict picture will be studied. Key elements of the analysis should include the profile of the conflict, its causes and potential for peace, actors, dynamics and trends. The analysis should also include possible conflicts of interests within the Sinhalese majority or amongst the Tamils that may have had an impact on the outcome of the peace process. The conflict analysis should build on existing studies, combined with interviews with key stakeholders in Sri Lanka, in the international community and in the diasporas. A context analysis examining relevant external and internal factors (political, economical, cultural, social, natural, and institutional) shall be conducted.

The policies and strategies employed by the Norwegian facilitator shall be analysed in terms of their relevance to the conflict analysis, the context and its dynamics.

An assessment of results should limit itself to immediate outcomes, that is, the direct results of the outputs. To do this the evaluator must trace the resources invested in the process at different stages, and discuss linkages between inputs, outputs and immediate outcomes at specific levels (for instance: group, community, meso-level or organisational institutional level). Such an assessment must also explore what were the intended results of the activities/initiatives in question. The assessment should discuss the absence of results where

results could be expected. The evaluator shall suggest an approach for this as part of the technical proposal.

5.1 Data collection:

Data collection strategies shall comprise: Document- and narrative analysis, interviewing and reviewing of relevant research and secondary literature. The consultant has access to people involved in the peace process from the Norwegian side. Literary reviews have no independent function in the evaluation and should mainly be used to strengthen the interpretations and analysis given in the final report.

Primary data sources:

- Documents related to the peace process and development cooperation with Sri Lanka in the archives in the MFA and at the embassy in Colombo. This includes decision memos, political reports, project documents, reviews, appraisals, assessments and strategy documents.
- Interviews with decision makers and programme officers in MFA and at the embassy, the Tokyo co-chairs, India and other relevant actors, different sides of the Sri Lankan political spectrum, the LTTE, media, civil society, observers of the peace process (so-called third parties) such as journalists, researchers, resource persons, internationally (and in Norway) and Sri Lanka.
- Minutes of meetings and debates in Norway and in Sri Lanka.
- Summary of debates in the parliaments in Norway and in Sri Lanka.
- Statistics in Norad.
- Newspaper articles in Norway, internationally and in Sri Lanka.

Secondary data sources:

- Academic literature, evaluations and applied research and studies of the peace process in Norway, internationally and in Sri Lanka

5.2 Guiding evaluation principles:

The consultant shall refer to the OECD/DAC evaluation quality standards and the OECD/DAC evaluation principles for guidance. We would like to draw special attention to the following evaluation standards and norms that the evaluation team should adhere to:

5.2.1 Triangulation

The consultant shall triangulate and validate information, and assess and describe data quality in a transparent manner (assess strengths, weaknesses, and sources of information). Data gaps should be highlighted.

5.2.2 Transparency

The evaluation report shall moreover describe and explain the evaluation method and process and discuss validity and reliability. It shall acknowledge any constraints encountered and their impact on the evaluation, including their impact on the independence of the evaluation. It shall detail the methods and techniques used for data and information collection and processing. The choices shall be justified and limitations and shortcomings shall be explained.

5.2.3 Ethics

The evaluation process should show sensitivity and respect to all stakeholders. The evaluation shall be undertaken with integrity and honesty and ensure inclusiveness of views. The rights, dignity and welfare of participants in the evaluation should be protected. Anonymity and confidentiality of individual informants should be protected. The evaluation process itself should be conflict sensitive and an introductory statement to the evaluation report may explain what measures were or were not taken to ensure no harm /conflict sensitivity of the evaluation itself, as well as the security of the interviewees.¹

5.2.4 Impartiality

The evaluation shall be conducted in an impartial manner, and the evaluation team must be perceived as impartial. Impartiality is the absence of bias in due process, methodological rigor, data collection, consideration and presentation of achievements and challenges.

5.2.5 Completeness

The analysis shall be structured with a logical flow. Data and information shall be presented, analyzed and interpreted. Findings and conclusions shall be clearly identified and flow logically from the analysis of the data and information. Underlying assumptions shall be made explicit and taken into account. The report must distinguish clearly between findings, conclusions and lessons learned. The evaluation shall present findings, conclusions and lessons learned separately and with a clear logical distinction between them. Conclusions shall be substantiated by findings and analysis.

The evaluation report shall contain an executive summary of maximum three pages. The summary shall highlight the main findings and conclusions, and lessons learned.

6. Organisation and Requirements

6.1 Management

The evaluation will be managed by the Evaluation Department, Norad (EVAL). An independent team of researchers or consultants will be assigned the evaluation according to prevailing regulations on public procurement in Norway. The team leader shall report to EVAL on the team's progress, including any problems that may jeopardize the assignment. The MFA as a main stakeholder in the evaluation will be asked by EVAL to comment on the following evaluation products: inception report, draft report and final report. However, all decisions concerning changes to the ToR, the inception report, draft report and final report are made by EVAL.

6.2 Stakeholders

The team should consult widely with stakeholders pertinent to the assignment. The evaluation team shall take note of comments received from stakeholders. Where there are significantly diverging views between the evaluation team and stakeholders, this should be reflected in the report.

¹ "Guidance on evaluating conflict prevention and peacebuilding activities" (OECD 2008), p. 20.

6.3 Public Administration Act (Regulations on Secrecy)

The evaluation team shall comply with the regulations on secrecy in the Norwegian Public Administration Act (Act of February 10, 1967).

7.1 Composition of the team

The evaluation team shall cover the following competencies:

| Competence | Team Leader | At least one member |
|--|---|--|
| Academic | Higher relevant degree. | PhD |
| Disciplines (must be covered by the team as a whole) | | - Political science and/ or political sociology, - History, |
| Evaluation | Leading multi-disciplinary evaluations or applied research projects | Experience with evaluation methods, principles and standards |
| Evaluation of conflict prevention and peace building | Yes | Yes |
| Operative experience from peace negotiations | | Yes |
| Research | | Qualitative method, historical interpretation, establishing narratives and chronologies, document analysis of primary sources and other evidence (oral sources). |
| Research | | Applied social science methods |
| Thorough knowledge of Sri Lanka | | Yes |
| Experience with conflict analysis, peace processes, peace diplomacy, peace negotiations. | Yes | Yes |
| Gender expertise | | Yes |
| Knowledge of international policies regarding South Asia and Sri Lanka | Yes | Yes |
| Familiarity with major regional interests in the peace process | | Yes |

The team as a whole shall meet the minimum requirements in terms of language:

Scandinavian: spoken and read
 English: spoken, written and read,
 Singhalese: spoken and read, and
 Tamil: spoken and read.

The team members shall not be perceived to have any conflicts of interest related to the evaluation object, and shall not have been associated with any particular views on Norway's role and performance regarding peace efforts in Sri Lanka

A geographically composed team, reflecting the main interests in the peace process, is an advantage.

7.2. Budget and Deliverables

The project is **budgeted** with a maximum input of 65 person weeks. The deliverables in the consultancy consist of following outputs:

- **Inception Report** not exceeding 20 pages shall be prepared in accordance with EVAL's guidelines given in *Annex A-3 Guidelines for Reports* of this document.
- **Draft Final Report** for feedback from the stakeholders and EVAL.
- **Final Evaluation Report** maximum 80 pages - prepared in accordance with EVAL's guidelines given in *Annex A-3 Guidelines for Report* of this document.
- **Seminar for dissemination** of the final report in Oslo and in Sri Lanka to be organised by EVAL.