

# The US proposal to end war in Sri Lanka

Written by Jehan Perera

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JEHAN PERERA, APR 28 2009

The Sri Lankan government's victory at the Western Provincial Council election held on April 25, 2009 can only have added to its confidence that it is proceeding on the popular path with regard to the war in the north. At these elections the ruling alliance secured 65 percent of the popular vote, which is a huge margin of victory. During the election campaign, President Mahinda Rajapaksa repeatedly called on the electorate to vote for the government and thereby give a message to the international community that it backed the government's actions to defeat the Liberation Tigers of Tamil Eelam (LTTE). With this latest manifestation of electoral popularity, the government may believe it is well positioned to carry on with its military offensive designed to retake the last remaining LTTE controlled territory in the north.

The government's appeal to the electorate has come in the context of international pressures on it due to the high civilian death toll that has resulted from the continuing military operations in the north. The international media has cited figures from UN sources[1] that claim that as many as 20,000 civilians have been either killed or injured in the fighting in the north over the past four months alone, of which about a third have been reported killed. There appears to be intense pressure on the government from the United Nations and powerful countries such as India and the United States for a ceasefire in the north that would provide a respite to the remaining civilian population still trapped in the LTTE controlled territory. Such a ceasefire would invariably provide a respite to the LTTE as well, which is fighting a rearguard action to delay its inevitable defeat on the military battlefield.

The UN is now pressurizing the government to accept a humanitarian fact finding mission to the northern battle zone which has shrunk to a mere eight square kilometers, but one which continues to be densely populated by displaced civilians forced into that area by the fighting and by the LTTE. While the government claims that only 10-15,000 civilians are still remaining in the area, other LTTE, Tamil sources put the figure at several multiples of that number. The break out of more than 100,000 civilians held by the LTTE from that area in the past week made international media headlines. It also increased the anticipation that a quick end to the protracted battle was near at hand, as it meant that the human shield for the LTTE was significantly reduced.

### INDIAN POSITION

However, the hopes of a quick and clean conclusion to the war have failed to materialize. Stories have emerged of heavy civilian casualties that have accompanied the military action that paved the way for the break out of the civilians. The remaining LTTE controlled territory may have shrunk to a tiny pocket compared to what it once controlled. But the relatively large number of civilians still trapped inside has prevented the Sri Lankan military from fully utilizing its superior numbers and firepower to wipe out the remaining LTTE cadre and their leadership holed up in that area. Any UN mission into that area would also necessarily imply a temporary ceasefire or another humanitarian pause which could be advantageous to the LTTE, and which the government is therefore resisting.

From the government's perspective an equally if not more worrisome concern is the reaction of the Indian government to the ongoing military operations. The Indian general elections are in full swing and the vote in the state of Tamil Nadu which will be held within a fortnight may be decisive to the fate of the Indian government. As a result the Indian government appears very keen, if not determined, to ensure that an acceptable solution to the Sri Lankan conflict is secured prior to that crucial election in Tamil Nadu. The Sri Lankan conflict is now getting top attention

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from the Indian media. India's Home Minister P Chidambaram who is himself fighting for a Parliamentary seat from Tamil Nadu has declared<sup>[2]</sup> that "it is no more a question of please or requests but India insists that this war should stop and the rehabilitation of civilians should start."

The Indian government has been issuing many statements in the recent past. Minister Chidambaram's statement followed the recent visit to Sri Lanka of two top Indian officials. It is difficult to know whether this statement was simply meant for domestic purposes or whether it is indeed an ultimatum to the Sri Lankan government. Nonetheless, the Sri Lankan government needs to take its giant neighbour's concerns seriously, especially as the present Indian government has shown a cooperative attitude to Sri Lanka and resisted nationalist demands from Tamil Nadu politicians.

In this context, the Sri Lankan government needs to seriously consider the US proposal that the LTTE should be permitted to surrender to a third party. This proposal has been taken up by the donor co-chairs that include the European Union, Japan and Norway. On behalf of the group the US State Department spokesman Robert Wood has said<sup>[3]</sup> "We urge the Tamil Tigers to lay down arms to a neutral third party. We also the urge the Government of Sri Lanka to offer amnesty to most Tamil Tigers and to devise a clear resettlement plan and to open the way for political dialogue."

## US RESPONSIBILITY

This US-led proposal is worth considering for several reasons. First, it implies a US responsibility to facilitate the LTTE's surrender. As a responsible world power, the United States will not be making internationally publicized proposals on matters that mean life and death to thousands without working through the possible implications of those proposals. The Sri Lankan government needs to consider requesting that the United States spell out the modalities of its proposal; if it includes safe passage abroad for the LTTE leadership however, the Sri Lankan government might not be prepared to accept it. The media reports also do not indicate who the US State Department believes might be the third party and how the LTTE might be persuaded to accept the US-led proposal.

A second important reason to consider the US-led proposal is to ward off possible legal challenges in international courts that stem from the civilian casualties in the recent military operations. Already the UN Human Rights Commissioner Navineethan Pillai has accused the Sri Lankan government and LTTE of engaging in actions that could be construed as war crimes. This charge has been echoed and reiterated by reputed international human rights organizations, including Amnesty International and Human Rights Watch. The international experience of leaders who were popular with the majority section of their own people, but were judged harshly by the courts of international justice, would serve as a caution that winning elections is not always a protection.

At the present time, the Sri Lankan government's position is that the LTTE should surrender unconditionally, with no guarantees for their future. As there is so much hostility against the LTTE in Sri Lanka, especially against its leadership who are wanted for many criminal charges, they will have doubts about their safety if they surrender unconditionally to the Sri Lankan authorities. In seeking a way out of the humanitarian imbroglio in the north, the guideline to follow would be President Mahinda Rajapaksa's assurance to the people during the presidential election campaign of 2005 that he would secure peace with dignity.

The LTTE's failure to convert their military strength into political bargaining power in the 2002 peace process is chiefly responsible for their predicament today. The LTTE refused to listen to the voices of moderation and hard headedly and hard heartedly tried to get everything they wanted with the result that they are now getting almost nothing. It has been said by the wise people of old that there is a danger of becoming like the thing we hate. The Sri Lankan government needs to consider further exploring the US-led proposal to bring the war to an end without incurring any more casualties, and by ensuring peace with dignity for all.

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[1] Daily Mirror Newspaper, Sri Lanka, April 24, 2009

[2] Sunday Times Newspaper, Sri Lanka, April 26, 2009

[3] Sunday Times Newspaper, Sri Lanka, April 26, 2009

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