

SRI LANKA: WHAT ROLE FOR THE EU?

As a full-scale war continues in Sri Lanka between the government and the Liberation Tigers of Tamil Eelam (LTTE), with increasingly dramatic humanitarian consequences for the civilian population, what role can the European Union play? The strength displayed by the government armed forces while fighting, and particularly when regaining back territory under LTTE control, is unprecedented in recent times. Thus, the military and political fate of the LTTE is uncertain at this stage despite the high degree of speculation in both domestic and international circles. The potential military defeat of the LTTE does not imply the resolution of the conflict in Sri Lanka, which demands a sustainable political solution that satisfies the needs and rights of all ethnic communities in the country.

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Sri Lankan ethnic Tamil civilians trapped in Tiger-controlled war zone take cover from shell firing in Mullivaikal, Sri Lanka, 4 May 2009.

In order to address the role the EU could play in such a scenario, it is vital to first put the EU's previous involvement as an external actor in the Sri Lankan conflict in context. For this purpose, the collapse of the 2002 peace process and its implications will need to be addressed, hereby highlighting the role of key external actors involved. Indeed, the external involvement in the failed peace initiative and the change of presidential regime in November 2005 had a direct impact on the relationship between the parties in conflict and Western actors, including the EU. This has important implications for the role the EU could play in the short-, mid- and long-term in supporting the resolution of the conflict in Sri Lanka.

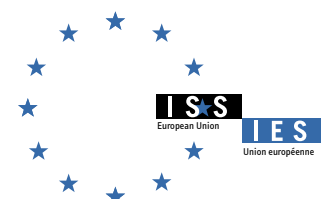
The 2002 peace process: collapse and implications

The collapse of the recent peace process, which was officially initiated with the signing of the Ceasefire Agreement in February 2002 between the govern-

ment and the LTTE, became obvious by mid-2006 with the return to full-scale fighting. Despite its failure, the peace process brought about an unprecedented degree of external involvement of non-regional actors. This is in sharp contrast to prior peace initiatives where the external direct involvement was limited to India, whose role is unique as a regional power and the player with the highest stakes in the Sri Lankan conflict. India, however, was not formally involved in the recent peace process, instead adopting a back-door approach while granting its tacit approval to the conflict resolution initiative. The 2002 peace process was led by Norway and supported by the Sri Lanka Donor Co-Chairs Group formed by the EU, Japan, Norway and the US after the Tokyo Donor Conference of June 2003.

Norway adopted the role of chief facilitator while there was an informal division of labour between the different external actors involved, particularly among the Co-Chairs. Differences between the external actors

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were based on their understanding of the causes and evolution of the conflict dynamics, as well as their interests, available resources and leverage over the parties in conflict. Varying approaches to conflict resolution evolved throughout the duration of the peace process. It is worth noting that the US displayed a hard power-oriented stance compared to other Co-Chairs, very much in line with India's approach. Nonetheless, the increasing anti-LTTE stance adopted by the US seemed to drag others along to Colombo's advantage; by June 2006 the LTTE had become a banned organisation in both the EU and Canada, having been already proscribed in India (1992), the US (1997) and the UK (2001).

In perspective, the EU stance in the 2002 peace process was most closely aligned with that of Norway in its moderation and economic orientation. Like Norway, the EU endorsed the disbursement of development assistance towards the reconstruction of the war-torn areas of the North and East: it perceived this as a non-refutable incentive for the parties to pursue political negotiations. Where the EU differed from Norway was that it progressively became more vocal against the human rights violations on the part of both parties, particularly those of the LTTE. The killing of Foreign Minister Kadirgamar in August of 2005 constituted a turning point in the EU position: the LTTE was listed as a terrorist organisation in May 2006. With hindsight, it can be argued that contrasting positions between certain EU members and limited political will within the EU to become initially involved may have contained its leverage and scope of involvement.

The views of local counterparts on the role played by external actors in the recent peace process – particularly Western ones – vary along ethnic and geographical lines, though they are, for the most part, highly critical. Leaving aside the obvious political polarisation resulting from the collapse of peace negotiations, the Norwegian-led peace process was locally perceived by many as a foreign-driven initiative with limited local ownership, as well as lacking a clear-cut direction. The Norwegians were further accused of being biased in favour of the LTTE by extremist factions along the Sinhalese political spectrum, a claim which gained popularity among the population in the South as the peace process faltered. The LTTE, for its part, also adopted an increasingly critical stance towards external actors, accusing these of sidelining it and favouring the Sri Lankan state. The failure of external actors to prevent the peace process from derailing despite the initial domestic emphasis on an 'international safety net' allowed for wide-ranging scapegoating on the ex-

ternal component of the peace initiative. Nonetheless, at the core of the failure of negotiations lay the lack of political will from both parties in conflict.

Rajapakse regime and Western actors

This helps contextualise the prevailing acrimony within certain sectors of the population – mostly in the South but also in the North – against foreign (Western) involvement in the Sri Lankan conflict. When President Mahinda Rajapakse came to power in November 2005, the peace process presented clear signs of collapse. It was then that Rajapakse introduced his new form of 'non-aligned, free foreign policy' as part of the 10-year 'Mahinda Chintana' development policy framework. Three sub-trends can be traced in Rajapakse's foreign policy after coming to power: (i) rapprochement towards India and other South Asian neighbours within the South Asian Association for Regional Cooperation (SAARC) regime; (ii) 'Look East' policy which includes closer relationships with other Asian actors, particularly with the 'traditional friends' (China and Russia); (iii) Distancing from the traditional, like-minded Western donors.

It is no coincidence that those who most vehemently opposed the 2002 peace process by claiming Norway's partiality towards the LTTE are also those who fervently supported Rajapakse's foreign policy shift. India's involvement suffered a similar fate in the aftermath of its intervention in the late 1980s: Colombo describes the aftermath as a 'serious setback in relations with India and the exacerbation, due to the mismanagement of the ethnic question, of a problem that has imposed a great burden on foreign policy.' Relations with Norway and the bulk of Western actors have been similarly strained since the 2002 peace process collapsed despite the divergences in the nature of their involvement.

Nonetheless, on coming to power in November 2005, President Rajapakse declared his intention to work together with the Co-Chairs to seek a political solution to the ethnic conflict, although he also highlighted his displeasure towards the United Nations and the International Financial Institutions. This can be interpreted as a form of anti-colonial discourse within the broader rhetoric against outside interference in Sri Lanka's domestic affairs, which is linked to Sri Lanka's colonial past and the ongoing ethnic conflict. Such non-interference rhetoric is, however, pervasive throughout Asia as reflected in China and India's respective foreign policy discourse. Indeed, a large por-

tion of the anti-Western rhetoric in Sri Lanka caters to particular domestic political constituencies within the Sinhala polity which supported the current ruling regime in its coming to power.

The vocal anti-Western rhetoric combined with the return to full-scale war during mid-2006 ultimately led to a change in the relationship between the donor community and the Government of Sri Lanka: the traditional Western donors have been most vocal in their allegations of breaches of international humanitarian law by the parties to the conflict. However, the rapprochement towards Asian donors – particularly China – has allowed the Rajapakse administration to reduce its dependency on Western donors. Despite the rhetoric, however, certain actions by the Rajapakse regime reveal a more moderate agenda vis-à-vis Western actors. This includes the attempt at resuscitating peace negotiations in Geneva in 2006, as well as the continuing assistance from traditional donors. Empirical data show that the Asian Development Bank, the World Bank and the European Investment Bank remain Sri Lanka's largest multilateral donors; aside from Japan and China, the largest disbursements of foreign aid in 2008 originated from Western countries. In the specific case of the EU, Sri Lanka is keen to maintain the benefits of the EU's trade preferential General System of Preferences, which were renewed earlier this year subject to review based on Sri Lanka's effective implementation of UN human rights conventions.

Response to the current situation

All this should be kept in mind when we consider the current humanitarian situation unfolding in the North of the country as a consequence of the intensified fighting since last year and, particularly, since the beginning of 2009. According to a recent report by the International Crisis Group, 5,000 civilians, including at least 500 children, have died since mid-January and 10,000 have been injured. This adds on to the thousands that have lost their lives since mid-2006. The soaring number of casualties, wounded and displaced civilians has brought increased international attention to Sri Lanka, which has exceptionally reached mainstream Western media, European parliaments and the UN Security Council (UNSC). Nevertheless, an effort should be made to be politically sensitive and contextualise the current situation in Northern Sri Lanka, particularly in regard to any potential form of external involvement. The justification of outside intervention along the lines of a 'responsibility to protect' approach continues to be viewed with scepticism by the bulk of non-Western regimes.

While there is an urgent need to ensure compliance of key normative guidelines by the parties in conflict, any pressure should be put either via India, the UNSC or through regional organisations. A 'carrot and stick approach' should be exercised with caution, making sure it is not the civilian population which suffers the brunt of the consequences. Further, this should be done in a way that does not further contribute to the de-legitimisation of Western actors in Sri Lanka. The recent trip to the country by individual officials representing several European countries, for example, has sparked strong domestic controversy, being viewed in the South and the broader region as a patronising affair. Thus, the proposal to deploy a US-led 'coalition humanitarian task force' which France also supported must be carefully considered. India's opinion cannot be overlooked: no initiative linked to foreign involvement in Sri Lanka will have any chance of being successful unless it enjoys India's approval. Further, any attempt at outside imposition would only exacerbate existing resistance towards external interference and inhibit the already diminished leverage of Western actors – including the EU – in Sri Lanka.

From a short-term perspective, demands that both warring parties comply with international humanitarian law and allow UN/International Committee for the Red Cross humanitarian convoys to enter the safety zones have to be met. The cessation of hostilities under some form of 'humanitarian ceasefire' would need to be declared in order to evacuate civilians through a humanitarian corridor, particularly the wounded. However, it is not realistic to expect the government to accept the LTTE's unilateral ceasefire declaration when in such a position of strength; it will only do so when a military victory is imminent and key leaders of the LTTE can be captured (should they not commit suicide beforehand). Therefore, the current external pressure for the government to accept a permanent ceasefire is in vain and will only serve to increase domestic resistance to outside involvement.

Once the current humanitarian crisis and full-blown fighting has receded in the North, pressing mid- to long-term issues linked to the resettlement of the displaced, reconstruction and rebuilding will need to be addressed. The government will need the financial and operational support of foreign donors and development agencies, which is why their role cannot be underestimated. The latter, however, should not attempt to impose their *modus operandi* on local authorities and organisations. However, the UN and multilateral donors – including the EU – should ensure that basic reconstruction standards are met while minimising the effects of the politicisation of the reconstruction proc-

ess on civilians. Judging from the experience in the East of the country, which is currently in the process of reconstruction and heavily flooded with foreign donor funding, there is a strong need to ensure that security and corporate interests – in the form of security zones – do not overrun the legitimate basic rights of the local population.

From a long-term perspective, external key players – including the EU – will have a key role to play in denouncing any retaliatory political killings undertaken by the LTTE, paramilitary groups or the armed forces against civilians, particularly based on their ethnic identity. Most fundamental, however, will be to support a home-grown political power-sharing arrangement between the three main ethnic groups in the country – Muslims, Tamils and Sinhalese – that guarantees the devolution of political power to the Northern and Eastern provinces. This will require the implementation of key amendments to the constitution that go be-

yond merely holding democratic elections. Thus, the role to be played by external actors in this instance – with the exception of India – is one of monitoring and advocacy.

However, Western countries hosting large Sri Lankan diaspora communities in their territory can play a much more active role domestically, such as is the case of key EU member states, specifically France, Italy and the UK. All means of influencing the Tamil Tigers must be explored, particularly with regard to restricting foreign financing and support for the group. Simultaneously, reconciliation initiatives between different Sri Lankan ethnic communities living abroad should be encouraged in an attempt to curb the often radicalised nature of diaspora communities. Instead, local politicians should encourage the moderate among these to take the lead in local community initiatives linked to their home country in an attempt to assist Sri Lanka in moving forward peacefully.

The opinions expressed in this article are those of the author and do not necessarily represent the views of the EUISS