

## OPINION

# Tensions between UN and Sri Lanka over war crimes

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A diplomatic row has erupted between the Sri Lankan government and the United Nations over plans by UN Secretary General Ban Ki-moon, announced earlier this month, to establish an expert panel to investigate human rights violations during the last stages of the country's long running civil war between the military and the separatist Liberation Tigers of Tamil Eelam (LTTE).

President Mahinda Rajapakse restarted the war in mid-2006, launching military offensives in open breach of a 2002 ceasefire arrangement. The government and the military relentlessly pursued the war and were responsible for widespread civilian casualties through indiscriminate shelling and aerial bombardment. In the final five months of the war to May 2009, the UN estimated that at least 7,000 Tamil civilians were killed. Other estimates put the figure as high as 20,000.

All the major powers, including the US and the European powers, tacitly supported Rajapakse's criminal war. But in the final months of the conflict, Washington and its European allies began raising limited criticisms of the military's human rights violations. Their main concern was not the fate of hundreds of thousands of Tamil civilians, but rather the destabilising impact of continuing communal tensions in Sri Lanka on the wider region, and also the growing influence of China in Colombo.

These underlying rivalries emerged into the open last May, shortly after the LTTE's defeat. At a specially convened meeting of the UN Human Rights Council, Britain and France backed a proposal by Switzerland for a limited international investigation into human rights violations by both sides in the conflict. While not a member of the UN body, the US backed the resolution. The move, which was bitterly opposed by the Sri Lankan government, was defeated with diplomatic support from China, India and Russia. Far from backing off, Washington continued to pressure Colombo and undoubtedly had a hand in prompting Ban's latest decision to establish a human rights panel.

The Sri Lankan government immediately rejected Ban's proposal. According to a press statement on March 6, Rajapakse told Ban that such a panel would be an interference in Sri Lanka's internal affairs and warned that he would take the "necessary and appropriate action in that regard". The statement described the proposal as "unwarranted" and commented that "no such action had



The cordial relationship between the UN and Sri Lanka has been affected by UN attempts to investigate war crimes allegations

been taken about other states with continuing armed conflicts on a large scale, involving major humanitarian catastrophes and causing the deaths of large numbers of civilians due to military action".

Rajapakse has been marshalling support from the so-called Non Aligned Movement (NAM) of countries in Africa, Asia, the Middle East and Latin America, in which India plays a prominent role. Its Coordinating Bureau wrote to Ban opposing his proposal, noting it "strongly condemns selective targeting of individual countries". Like Rajapakse's reference to "other states," the allegation of "selective targeting" is a rather timid criticism of the two-faced stance of the US and its European allies for reproaching the Sri Lankan military for crimes like those that the US and NATO are carrying out on a daily basis in Afghanistan and Iraq.

Ban, however, announced on March 18 that he intended to proceed with his plan without delay, saying NAM had "misunderstood" his intentions. He gave no further details but insisted that it was within his powers to appoint such a body and declared it would not "infringe on the sovereignty of Sri Lanka". Ban added that Rajapakse had yet to act on limited promises on human rights made last year. Foreign Minister

Rohitha Bogollagama responded by branding the decision an "intrusive unilateral initiative" that provided political assistance for opposition parties in the campaign for the April 8 parliamentary elections.

Rajapakse's ruling coalition will undoubtedly exploit the UN plan to posture in the election campaign as a defender of Sri Lankan sovereignty against an "international conspiracy" to tarnish the reputation of the country and its military. The president's stance is just as hypocritical as that of the US and its European allies—which he does not name so as not to upset diplomatic ties. His guarded references to the US-led wars in Iraq and Afghanistan—which Colombo supported and continues to support—are simply to deflect criticism from the Sri Lankan military's crimes, for which his government is politically responsible.

Rajapakse's balancing act underlines the deepening rivalry between the major powers for influence in Colombo. Having plunged the country back to war, the president increasingly turned to China for diplomatic, financial and military assistance, offering economic concessions to Beijing in return.

China was Sri Lanka's biggest donor last year with \$US1.2 billion worth of aid, including to build roads and power stations.

The foreign ministry announced on March 10 that China's Export-Import Bank has extended a new \$290 million loan to Sri Lanka to construct another international airport and to develop the island's railways. In return for its support, China was given the contract to build a major new port at Hambantota in the south of the island, which strengthens Chinese efforts to protect its key trading routes across the Indian Ocean.

Washington's determination not to allow Sri Lanka to slip into China's sphere of influence was underscored by a report published by the US Senate Committee on Foreign Relations last December. The document warned that "the United States cannot afford to 'lose' Sri Lanka," noting it was "located at the nexus of crucial maritime trading routes in the Indian Ocean connecting Europe and the Middle East to China and the rest of Asia". It also pointed out that instability in Sri Lanka impacts on the south of India, which is now a key US economic and strategic partner.

The US report dwelt at some length on the growing Chinese influence in Sri Lanka and called for "a broader and more robust approach to Sri Lanka that appreciates new political and economic realities in Sri Lanka and US geostrategic interests". It urged a "multi-dimensional" strategy that was not driven "solely by short-

term humanitarian concerns," calling for greater US economic assistance and closer military collaboration.

Nevertheless, Washington is continuing to bring low-key pressure to bear on the Rajapakse regime over human rights. Last week the US State Department issued another report on Sri Lanka commenting that the government's "respect for human rights declined" by the end of the war. In particular, the report referred to the "numerous accusations against the pro-government paramilitary groups and security forces involved in torture, kidnapping, hostage-taking, and extortion," noting that no action had been taken against them.

Ban's decision to establish a panel to examine Sri Lanka's human rights record is fully in line with Washington's tactics. The dynamic of the operation is clear: any move by Rajapakse closer to Washington will ease the examination of Sri Lankan war crimes; any move away will increase the likelihood that the president and his ministers might be directly implicated. The last thing that any of the actors in the charade want is a comprehensive investigation of the criminal war in Sri Lanka, which would not only expose the Colombo government but its international backers—including the US and the EU.