



Center for Strategic & International Studies  
Washington, DC

**The International Community and Sri Lanka: Playing a Modest Hand Better**

Paper for briefing sponsored by  
Sri Lanka Congressional Caucus  
September 8, 2005

**Teresita C. Schaffer**

We are meeting at a time of considerable danger in Sri Lanka: the cease-fire is nominally in place but violence is increasing on all fronts, as we all know from the assassination of Foreign Minister Lakshman Kadirgamar. Ambassador Dhanapala has made an eloquent plea for international support for his government's efforts to rescue a peace process that has practically broken down.

I would like to leave you with three messages: First, this conflict, discouraging as it is, deserves our attention: a complete breakdown would lead to terrifying insecurity and a huge death toll. Second, while the U.S. government is unlikely to become the major peace broker in Sri Lanka, it can make a difference. And third, you should consider modifying some of the rigid rules in our terrorism policy, which have the unintended effect of making it almost impossible for the U.S. to exercise leverage over the LTTE.

Outside countries have tried several times to help Sri Lankans make peace. In the 1980s, India tried on at least three occasions. After the breakdown of the ceasefire worked out by President Kumaratunga in 1995, which ushered in the bloodiest period in Sri Lanka's history, Norway sought a role as facilitator. By early 2002, a Norwegian

envoy had brokered a ceasefire agreement, to be implemented with the help of a regular Monitoring Mission drawn primarily from Scandinavia.

The fact that Norway had no geopolitical interest in South Asia made it acceptable to Sri Lanka's largest neighbor, India, and its experience with the Israeli-Palestinian peace process gave it a large measure of respect. Norway secured wide international backing for its efforts. The negotiators briefed the Indian government at each step of the proceedings. An aid donors' group with four co-chairs – Norway, the United States, Japan and the European Union – became the visible manifestation of international support.

The aid donors, including the U.S., had a modest role, and were not involved in the actual negotiating process. Their primary relationship was with the Sri Lankan government. The United States had designated the LTTE as a foreign terrorist organization. The United Nations and some of the other aid donors had made a similar designation, but the consequences under U.S. law and policy are more drastic than for anyone else: no financial contributions to them or related organizations, and no meaningful direct contact. These restrictions have made it difficult for the United States to exercise the kind of influence we might like to do; I will come back to this point later.

#### **Where are we now?**

The peace process began well, but at this point, there is not much to show for it. The last formal discussions between the LTTE and the Sri Lankan government took place about two and a half years ago. The Norwegians tried to find a basis for resuming discussions, but without results. The ceasefire is nominally in place, but the pace of killings has intensified. A series of killings right in Colombo culminated in the

assassination of the Foreign Minister. The LTTE has denied responsibility for this event, but since no one else had any motivation for it, they remain the most likely culprit.

#### **What is needed now?**

First, a real ceasefire needs urgently to be restored and strengthened. The Sri Lankan government and the LTTE have been discussing where and at what level to meet to discuss this subject. When a ceasefire breaks down in this kind of situation, violence often breaks out at a higher rate than before. Considering the murderous toll this conflict has taken on Sri Lanka, the killings of ordinary people, the insecurity for all Sri Lankans, and perhaps worst of all the death of so many of the people with the talent to lead, this is a truly horrifying possibility.

Second, the parties need to identify an action item that they can work on, so both sides can show that they are serious. Two efforts of this sort have failed. The agreement to work on humanitarian issues and demining fell apart when the political talks stopped two years ago. The proposed Post-Tsunami Operations Management System, or P-TOMS, while never intended as part of the peace process, could have provided an opportunity to build trust in an unrelated area, but it seems unlikely to survive the adverse decision of the Sri Lankan Supreme Court and the political controversy it generated.

Ultimately, the parties need to find their way back to negotiations, with an agenda defining what they should start talking about.

This raises the question of whether the international role needs to be revisited. There is widespread questioning of the Norwegian role in Sri Lanka, and senior government officials have been publicly critical of Norway. I believe Norway has handled itself with skill and professionalism. Nonetheless, no negotiator is perfect, and

after a frustrating two years the Sri Lankan government and the LTTE may want to reassess what they seek from the international community. If there is to be a change, both parties need to be involved.

I believe an international presence in the negotiating process is very important if the parties to Sri Lanka's bloodletting are to make real progress. Elsewhere in the world, most of the stubborn conflicts that have been resolved have had international help. A skilled negotiator will tailor the role to the particular conflict, always encouraging the parties to the dispute to do as much as possible of their own work. Terms like "facilitation" and "mediation" are a starting point, not a full-fledged definition.

There has been much speculation in Sri Lanka about others who might be more successful than Norway in helping the peace process along. Here too, I would urge caution. Some in Sri Lanka hanker for India to return to the negotiating process, but India has strong interests of its own in Sri Lanka. India itself is not seeking a major role, and has found recent Sri Lankan crises difficult to manage in its internal politics. Other countries that have taken a strong interest in Sri Lanka, such as Canada and Australia, have significant Tamil diaspora populations, and might find themselves the center of controversy in Sri Lanka as a result. President Kumaratunga has been exploring the possibility of a United Nations role. These are all interesting ideas, but not automatic solutions.

No one has asked for a direct U.S. role. In my judgment, the U.S. government is unlikely to take that on for a number of reasons, the most important of which is this administration's reluctance to put more on its already overburdened foreign policy agenda. However, the U.S. can make a difference, through quiet diplomatic support and

by helping to shore up international support for a peace process once it resumes. U.S. experience with other peace processes also needs to be put at the service of Sri Lanka's peacemakers.

Changing the mediator will not change the nature of the conflict, the parties, or the issues to be discussed. There may be others who can do the job, but this will be a function of their personal skill and their national or institutional ability to work with the parties, mobilize support from the parts of the international community that are not directly involved, and stick with a frustrating job.

The short-term prospects for moving back to cooperation or political talks, however, seem bleak at the moment. Suspensions are high on both sides. Sri Lanka faces presidential elections later this year. One of the major presidential candidates is deep in negotiations with one of Sri Lanka's leftist parties, which has promised its support in exchange for far-reaching commitments to reject some of the fundamental building blocks on which the peace process is based, including significant aspects of the ceasefire agreement and the concept of looking for a solution that provides for some form of federalism. Political support for the idea of a ceasefire is still strong, but political support for the compromises necessary to make peace has been badly undermined. Worst of all, there is a tendency to take the ceasefire – or what is left of it – for granted.

So at this difficult time, the task for us is to examine our own policies, and to present a clear message to the parties to the conflict.

U.S. terrorism policies, as I indicated above, have effectively prevented the United States from developing any real leverage on the LTTE. U.S. laws on terrorism would have made it impossible for the United States to contribute to post-Tsunami relief

through the P-TOMS mechanism; a different approach might have made it easier for that mechanism to survive. This is not the time for a major shift in those policies. However, should the talks on revitalizing the ceasefire get somewhere, I believe the Administration and the Congress should consider giving the Administration some flexibility in this area. We cannot put pressure on the LTTE if we have no means of engagement with them.

What messages should we send? First, to the LTTE: Their behavior is unacceptable. Two years ago, we held out hope that they might be taken off the terrorism list if they stopped assassinating internal dissidents. Today, they need to know that they have made that goal harder to reach. If they want to succeed in a political negotiation, they need to demonstrate their commitment to using political means to reach their goals.

For the Sri Lankan government, our message should be: whatever your frustrations with the process, you need to keep your eye on the goal, which is a Sri Lanka where all communities can live together. This cannot be achieved without major political change. Do not throw away your chances in the heat of the election campaign. Otherwise, your grandchildren will still be fighting the same sterile battles.