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U.S. Policy Toward the Continuing Conflict in Sri Lanka

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Nathan Hale's Policy Background and Options Papers address contemporary issues facing the U.S. government in an effort to stimulate constructive discourse about American foreign affairs and to provide timely and effective policy analysis and recommendations.

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Map 1. Sri Lanka
- Hammond Atlas/World Press Review

1. EXECUTIVE SUMMARY

The United States has pledged to rid the world of terrorism as part of its efforts to maintain global stability. However, the United States has thus far only pursued terrorist threats with relatively direct and obvious relevance to its national interests. It has exerted somewhat less effort in campaigns against terrorist groups with a less obvious anti-American agenda, such as the Irish Republican Army (IRA) in Northern Ireland, the Basque Liberation Movement (ETA) in France and Spain, and the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. Each of these movements have become significantly internationalized and therefore warrant attention from U.S. policymakers. Their activities variously include illegal weapons transfers, extortion, in some cases drug running, and other criminal activities. This paper examines American policy toward the last of these cases, that of the Tamil Tigers and the surrounding in Sri Lankan conflict. That struggle arose in 1975 and continues today, with repercussions for the surrounding South Asian region. The Sri Lankan conflict has caused approximately 65,000 combat-related deaths, both civilian and combatant, and displaced a total of 800,000 people.¹ However, it has garnered less attention than the continuing conflicts in Northern Ireland, Israel and the occupied territories, or even Kashmir. This Policy Background and Options Paper discusses why the conflict does affect American interests and should receive greater attention in Washington. It also presents a variety of US policy options to help deal with the Sri Lankan conflict and offers concrete policy recommendations.

2. THE ISSUE IN FOCUS

The focus of this Policy Background and Options Paper is the continuing conflict in Sri Lanka. That conflict has been led primarily by the Liberation Tigers of Tamil Eelam (LTTE)—who have sidelined other Tamil militant and separatist groups in recent years—against the Sri Lankan government. This paper also provides recommendations for future U.S. foreign policy on the matter. Specifically, if the conflict continues, how should the United States treat the LTTE and Sri Lankan government, and what will be the consequences of any given course of policy action? This particular issue is of importance to U.S. foreign policymakers in that it involves an internationalized insurgency and terrorist movement that has expanded into criminal activities in the United States, as well as other countries. Furthermore, the scale of conflict and criminal actions, both civil and military, committed by the LTTE should be treated as a matter of regional security and of global opposition to violent terrorist actions. Also, the island of Sri Lanka has important strategic value with deep-water

1. BBC News Online (Feb. 9, 2004); The Heidelberg Institute of International Conflict Research, the KOSIMO database; higher estimates put the death toll at 100,000 during the 1987-1995 phase of the conflict.

ports, such as Trincomalee and the Batticaloa lagoon, should the United States consider expanding naval operations in the Indian Ocean.

Like the civil conflicts in the Middle East, Kashmir, Northern Ireland, and elsewhere, the Sri Lankan conflict has internationalized elements that draw on the support of mostly Sri Lankan Tamils worldwide--and certain segments of the Tamil population in India—as well as a network of arms and munitions suppliers, intelligence, and recruiters. Tamil separatists have also resorted to criminal activities in both Sri Lanka and abroad to finance their insurgency, which now includes a vast network of intelligence and elite military groups. Rohan Gunaratna points out that the LTTE is, with the exception of the PLO and IRA, the only insurgency group in the world with its own deep seafaring navy.² One recent report from the Small Arms Survey cited Sri Lanka as an example of the devastation that small weapons proliferation can have on civil stability and order, with human, political, and economic costs.³ Such proliferation also fuels mercenary, criminal, and terrorist organizations and networks. Accessing this network for intelligence purposes and limiting its activities in the international arena is essential for U.S. efforts to maintain global stability and order. In addition, the recent inclusion of the LTTE in the United States' list of Foreign Terrorist Organizations (FTOs) may prompt violent retaliation against U.S. interests and citizens. However, no deliberate and direct attack against either has occurred and the LTTE may be seeking to avoid further agitating host countries of the Tamil diaspora that supports its insurgency, i.e., Canada, the United Kingdom, the United States, and the Scandinavian and certain European countries.

Sri Lanka and the Tamil conflict are relevant to U.S. foreign policy for three reasons: the strategic location of Sri Lanka in the Indian Ocean; the need to prevent the transfer of expertise and resources of the LTTE to other insurgency and terrorist networks with interests that immediately conflict with U.S. interests; and the need to resolve a violent conflict fueled by an international terror network whose elements are involved in the U.S. political economy. Therefore, the United States will benefit if it works to eliminate criminal elements from its own territory as well as stem the flow of funding to the LTTE's highly networked terrorist organization.

To date, the United States has generally provided non-military logistical support to Sri Lanka in terms of aid, intelligence, and advice. The United States has supplied only "non-lethal" military equipment, such as radar equipment, to the Sri Lankan government due to concerns over human rights abuses.⁴ The U.S. State Department has listed and re-certified the LTTE as a terrorist organization on its list of Foreign Terrorist Organizations (FTOs). The U.S. Treasury Department also includes the LTTE in its Specially Designated Global Terrorist (SDGT) Entities list that freezes funding and makes financial support to the organization a crime⁵. The UK also designated the LTTE as a terrorist organization in February 2001 as part of a new anti-terrorist law but likewise provides only limited, non-lethal support to the SLA due to concerns over human rights abuses. The impact of the conflict on civilians, such as dislocation, forced internment, rape, and murder, is a key factor in the foreign policy considerations of both the United States and its close allies in the United Kingdom.

3. MOST RECENT EVENTS⁶

2. Gunaratna, Rohan. *International and Regional Implications of the Sri Lankan Tamil Insurgency*. International Policy Institute for Counter-Terrorism, December 2 1998, online at <<http://www.ict.org.il/articles/articledet.cfm?articleid=57>> (accessed Feb. 23, 2004).
3. Smith, Chris. "In the Shadow of a Ceasefire: The Impact of Small Arms Availability and Misuse in Sri Lanka." Various mercenary and criminal activities include army deserters stealing military supplies and politicians' bodyguards engaging in harassment.
4. U.S. House Committee Hearing, "Sri Lanka in Turmoil: Implications of Intensified Conflict," Nov. 14, 1995, p. 9.
5. For more details on US government "lists" for fighting international terrorism, see Audrey Kurth Cronin's "The 'FTO List' and Congress: Sanctioning Designated Foreign Terrorist Organizations."
6. BBC News Online (Feb. 9, 2004).

The Sri Lankan conflict is currently in its fifth peace process, with the parties being the LTTE led by Prabhakaran and Thamilselvan, and the Sri Lankan government with President Kumaratunga and PM Wickramasinghe. The peace process began in February 2002, following PM Wickramasinghe's United National Party's (UNP) victory in the December 2001 elections. The peace process was sponsored and mediated by the Norwegian government.

In April 2003, the LTTE withdrew from the ongoing peace process with the Sri Lankan government. After peace process stalled for months, President Kumaratunga took over the defense, interior, and information ministries of the government in November 2003; PM Wickramasinghe complained that he needed those ministries in order to negotiate with the LTTE. Failed negotiation between representatives of the President and the PM to reach a compromise led to the President's dismissal of Parliament in February 2004 and new elections to be held in April.⁷ Donor countries that promised humanitarian relief in the conflict areas are demanding the government resume developing those regions as was a condition of providing aid. A potential danger exists that some politicians may use ethnic intolerance as part of their political campaigns to rally up support; in fact, early reports of violence six weeks before polls have raised concerns whether new elections could destabilize the peace process.⁸ The withdrawal of the LTTE and the political crisis in Sri Lanka could jeopardize the current peace process and lead to a return of conflict. Efforts could be made to revive this peace process or to maintain the truce between the LTTE and Sri Lanka that has been in effect since February 2002.

4. BACKGROUND AND ANALYSIS

a. *The Development of the Conflict, 1948-1983*

The Sri Lankan conflict between the Tamil minority of the northeastern province and the Sinhalese majority can be traced back to political disputes during the independence movement and the establishment of an independent Ceylon (Sri Lanka) in 1948. Sri Lanka gained independence with little violence or social unrest, but it inherited a continuing social divide between the majority Sinhalese and the Tamils, the largest minorities on the island. The Tamils were favored by the British in government positions and therefore enjoyed greater opportunities for government posts and education. However, Sinhalese-Tamil rivalries would continue after independence and result in exclusory Sinhalese policies, repression of Tamils, and eventually a Tamil rebellion and political violence. Policies came to favor Sinhalese in government, university, and medical posts that left many qualified Tamils without any opportunity for advancement in the country. This became a major source of resentment within the Tamil community and facilitated high levels of recruitment by the LTTE and its predecessor, the Tamil United Liberation Front (TULF).

The conflict has been particularly difficult to resolve due to its ethnic dimension and its connection to broader regional relations. First, the Sri Lankan Tamils distinguished themselves from Indian Tamils but still appealed to them on ethno-linguistic grounds in order to draw support and set up bases for training, weapons acquisition, and logistics in Indian states such as Tamil Nadu and Kerala, although this external support declined after the LTTE was blamed for assassinating PM Rajiv Gandhi in 1991. Second, the insurgency drew Sri Lankan Muslims from the country's Eastern Province into the conflict, because native Tamils were a significant minority there, and Muslim Sri Lankans also spoke Tamil. Many Tamil radicals and politicians used this mistake for their own ideological and political purposes.⁹ Despite the fact that Sri

7. Harrison, Frances. "Sri Lanka's Election Blues." BBC News Online (Feb. 9, 2004).

8. Harrison, Frances. "Donors Unhappy with Sri Lanka." BBC News Online (Feb. 18, 2004) and BBC News Online (Feb. 25, 2004).

9. Silva, K.M. de, *Regional Powers and Small State Security: India and Sri Lanka, 1977-1990*, (Baltimore and London: Johns Hopkins University Press, 1995), p. 91. Most Sri Lankan Muslims trace their ancestry back to Arab traders that settled in

Lankan Muslims distinguished themselves from Tamils, having traced their lineage from Arab traders who settled in the Eastern province rather than from Tamil lineages, many policies within Sri Lanka – as well as from India – treated them as Tamils. As a result, Muslims came to rely on a “public stance of ethnic confrontation” to protect their heritage and other interests. Sri Lankan Muslims are now caught in the middle of the conflict and face retribution if they challenge the LTTE agenda. When the issue of separate Tamil state arose in 1985, many Muslim leaders in the Eastern Province demanded an autonomous Muslim region so that they would not be included in autonomous Tamil state.¹⁰

A religious dimension has also played a significant role in the conflict. In Sri Lanka, the Sinhalese majority is mainly Theravada Buddhist, while the Tamil minority is primarily Hindu. Buddhist chauvinism clearly played a role in early pro-Sinhalese movements as well as in current anti-Tamil sentiments. This has also affected the external relations of both the Sri Lankan state and the various insurgent groups, led by the LTTE. However, ethnic identity has played a greater role in the international dimension of the conflict; cultural and linguistic affinities have been more important on the international front of the insurgency movement than religion. In fact, the LTTE began as a Leninist-Marxist organization that drew inspiration from the Brahman and Dravidian conflict in India, which included cultural appraisal of Dravidian culture from Christian missionaries and British officials.¹¹

The current Tamil rebellion has continued since 1975, led by an insurgency known generically as the Tamil Tigers but more precisely as the LTTE. It was founded in 1972 under the name of the Tamil New Tigers and later renamed the LTTE in 1976. The current leader and military commander of the LTTE is Velupillai Prabhakaran, who also served as one of the group’s founding members. Militant and political Tamil rivals to both the LTTE and Prabhakaran have been mostly defeated, subdued, or eliminated. The major opposing actors in this case are the Sri Lankan government and Sri Lankan Army (SLA) as well as the *Janatha Vimukhti Peramuna* (People’s Liberation Front or JVP), a counterinsurgency group composed of Sinhalese extremists. The JVP is still active in Sri Lankan politics as an anti-Tamil Sinhalese nationalist party. Although the Tamil insurgency began in 1975-6, a full-fledged civil war had erupted by the mid-1980s, following anti-Tamil riots in 1983.¹²

b. *Attempts at Mediation and Intervention, 1983-1990*

The first attempt to mediate the conflict resulted in peace talks between the Sri Lankan government and Tamil representatives in 1985 at Thimpu, Bhutan. The talks took place in two phases in July and August and were unable to work out a peace agreement between the two sides. Pro-Tamil commentators argue that Sri Lanka had no intention of acceding to Tamil demands and that the Sri Lankan government did not seriously consider the LTTE proposals; instead, Sri Lanka used the conference as a ruse to build-up their military forces for an assault on LTTE strongholds. The talks were considered a failure after two months of negotiation.

A more direct external solution to the conflict was the intervention of an international peacekeeping force (IPKF) from 1987-1990. That intervention resulted from an agreement between Sri Lankan president J.R. Jayewardene and Indian Prime Minister (PM) Rajiv Gandhi

the region. Islamic fundamentalism rose as a force in the Eastern Province in the 1980s as part of an effort to preserve Muslim identity.

10. Ross, Russell R., and Savada, Andrea Matles, eds. *Sri Lanka: A Country Study*. 2nd ed., (Washington, D.C.: Headquarters, Dept. of the Army, 1990), pp. 76-77, 78, 80, 210-11

11. Little, David. *Sri Lanka: The Invention of Enmity*, (Washington, D.C.: The United States Institute of Peace Press, 1994), pp. 11-47.

12. Ross and Savada, pp. xxi-xxx, 40-56; other Tamil insurgency groups include People’s Liberation Organization of Tamil Eelam (PLOTE) and Tamil Eelam Liberation Organization (TELO). Laws such as the Ceylon Citizenship Act (1948) disenfranchised many Indian Tamils that immigrated to Ceylon during British rule. Several hundred Tamils are believed to have been killed in the riots.

known as the Indo-Sri Lankan Accord (1987). In it, Sri Lanka introduced a political devolution plan for the Tamils in a proposed Northeastern Province (to be created by merging the Northern and Eastern Province) while India would send in its military to help wind down the insurgency by disarming the LTTE other insurgency groups and rehabilitating soldiers and refugees. The accord was also an attempt to re-affirm good relations between two countries after Sri Lanka accused India of supporting the Tamil insurgency to appease its own Tamil constituents in its state of Tamil Nadu.¹³ Relations worsened between India and Sri Lanka, however, after India questioned Sri Lanka on its conduct in the Northern and Northeastern provinces and airlifted food supplies to the regions as part of an emergency “humanitarian” effort to alleviate hunger.¹⁴ Furthermore, India sought to reaffirm its influence over Sri Lanka after the Sri Lankan government consulted China, Pakistan, Sri Lanka, Israel, and other states and private organizations on security matters. Support from the United States and the United Kingdom also became reluctant after the 1983 riots and the expressed concern of Indian officials, who were also displeased to learn that two of India’s rivals, Pakistan and the People’s Republic of China (PRC), became the main suppliers of arms to Sri Lanka.¹⁵

Unfortunately, the IPKF intervention proved disastrous, earning the ire of the Tamils, the LTTE, and the Sinhalese. It failed to disarm the LTTE, a requirement of the accord, and Sinhalese nationalists opposed the devolution of power. The IPKF also did little to curb the separatist movement led by the LTTE. The LTTE struggled with the Sri Lankan government over the process of devolution and the choice of ministers selected for the new provincial government, and fighting broke out shortly after the IPKF entered the country. In addition, Muslim community leaders in the Eastern Province objected to being subsumed into a new Tamil-dominated Northeastern Province and made demands for autonomy as well. Furthermore, it damaged India’s reputation as an arbiter in the conflict on both sides. Rajiv Gandhi was later assassinated in 1991 during an election campaign by an alleged LTTE suicide bomber. The action removed any support of the LTTE from the Indian government and even dried up support in Tamil-speaking states such as Tamil Nadu.¹⁶

By 1990, however, the LTTE had become much more prominent and had internationalized its insurgency movement, immunizing it from some of the measures taken by the IPKF. Since the mid-1980s, the LTTE has expanded its criminal and smuggling activities. In addition, it began to derive substantial funding from Tamil diasporas in the United States, United Kingdom, Canada, Switzerland, Australia, and the Scandinavian countries. In the United States, most contributions now come from wealthy individuals. The LTTE also garners funds by siphoning from cultural centers, legitimate businesses, and possibly from the sale of illicit drugs. Although the LTTE itself has not been directly linked with the sale of illicit narcotics, individuals associated with the LTTE have been arrested in foreign countries have been arrested on drug charges and narcotics trade is considered one of the most lucrative enterprises for terrorist groups.¹⁷ Despite this vast network of funding, armaments, and resources, the LTTE has also engaged in kidnapping and ransom, extortion, human smuggling, and the recruitment of child soldiers to its cause in the territories under its control. This does not include all of the LTTE’s many criminal activities such as human trafficking and smuggling.

13. Ibid, pp. xxxiii-xxxv; the accord also established expelling Sri Lankan Tamils from India with links to terrorism or those that supported separatism. One of India’s intelligence services, the Research and Analysis Wing (RAW), was involved in training the LTTE in its early years (Reuters News Service, 20 and 23 Aug. 1995). The 1987 accord is also known as the Indo-Sri Lankan Peace Agreement.

14. Ibid, p. 211.

15. Silva, K.M. de, pp. 119-121; Kapur, Ashok and A. Jeyaratnam Wilson, *Foreign Policies of India and her Neighbours* (New York: St. Martin’s Press, 1996), pp. 120-121.

16. Jenne, Erin K. “Sri Lanka: A Fragmented State.” In *State Failure and State Weakness in a Time of Terror*, edited by Robert I. Rotberg (Cambridge, Massachusetts: World Peace Foundation, 2003), pp. 228-229.

17. Chalk, Peter. “Liberation Tigers of Tamil Eelam’s (LTTE) International Organization and Operations – A Preliminary Analysis,” (Canadian Intelligence Security Services, 1999), online at <http://www.csis-scrs.gc.ca/eng/comment/com77_e.html> (accessed Feb. 12, 2004).

c. *Resurgence of the Conflict, 1990-present*

The Tamil conflict continued after the IPKF; in fact, it can be argued that it became worse. The LTTE is attributed with various high-profile assassinations during this period, including that of Rajiv Gandhi in 1991, several Indian politicians, a Sri Lankan naval commander in 1992, and Sri Lankan president Ranasinghe Premadasa in 1993. In August 1994, Chandrika Bandaranaike-Kumaratunga was elected president on the promise to renew peace talks that began in 1990 with President Premadasa. Included in the peace talks was an offer to provide more autonomy to the Tamil-speaking areas by way of a new constitutional amendment. Peace talks began in October of that year but fell apart by April 1995. The LTTE continued a bombing and raiding campaign in not only the northeast but also to the center and capital of the country. Violent campaigns from the LTTE and counter-attacks and planned assaults from the SLA in the northeast went unabated from 1996-1998. A nationwide "state of emergency" was declared by president Kumaratunga on August 6, 1998. Despite the debilitating situation, Kumaratunga was re-elected president in December 1999 in a "sympathy vote" after surviving a bomb attack and promising a new effort to make peace with the Tamils, including the possibility of turning Sri Lanka into a federal state that would provide greater autonomy to the Tamil-dominated areas.

The current peace process began in late 1999 following the re-election of President Kumaratunga in December. In February 2000, the Norwegian government stated that it would become an intermediary in renewed peace efforts in Sri Lanka. Kumaratunga again pledged to offer a devolution package that would offer greater autonomy to the Tamils and even abolish the executive presidency in Sri Lankan government. The proposal was even welcomed from the opposition UNP leader Ranil Wickramasinghe, who was elected as Sri Lankan PM after the UNP won parliamentary elections in December 2001¹⁸. The new peace process was under way and led to a permanent ceasefire agreement, the Memorandum of Understanding, in February 2002. The agreement aimed at giving autonomy to the Tamils in the northeastern areas as provided by the 13th Amendment to the 1978 Sri Lankan constitution. The peace process between the LTTE and government, represented by PM Wickramasinghe, went smoothly for the most part and underwent two rounds. The first rounds of talks were in Thailand and second rounds in Berlin.

However, PM Wickramasinghe argued with President Kumaratunga on the pace and content of the peace process, i.e., she complained that the PM was giving too many concessions to the LTTE and Tamils and that her party, the PA, was excluded from the talks. The President also complained that the Norwegian mediators were biased against the government and objected to the Norwegians giving radio-transmitting equipment to the LTTE. The President was also dismayed when the LTTE withdrew from the peace process in April 2003. Following months of a stalled peace process and a long-standing dispute between the President, the PM, and their respective parties, the President took control over the defense, information, and interior ministries that PM Wickramasinghe considered essential for negotiating in the peace process. This led to the president's dismissal of Parliament in February 2004 and calling for general elections in April 2004.

5. POLICY CONTEXT

a. *The Context of Past U.S. Policy towards the Sri Lankan Conflict*

The United States has generally followed a policy of "non-involvement" with regard to the Sri Lankan conflict that has been raging since at least 1983. The civil war began during the last days of the Cold War, and the major regional concern in the bipolar arena was the Soviet

18. BBC News Online (Feb. 1, 2000).

occupation of Afghanistan. Furthermore, Sri Lanka's affiliation with the non-aligned movement discouraged outside interference in what remained largely a regional affair. Even in the post-Cold War era and in the context of the new U.S.-led "war on terrorism," the Sri Lankan Tamil conflict has remained mostly insignificant in American foreign policy. The United States did not involve itself extensively in the Sri Lankan conflict out of interest of *not* antagonizing its relations with India. For this reason, the United States has equivocally opposed the establishment of a separate Tamil state in Sri Lanka out of concern that it may spur separatism in South India. Furthermore, because of the LTTE's use of political violence and links to criminal enterprises, it has been maintained as a terrorist organization by its foreign policy apparatus.

One of the more extensive modes of U.S. involvement in Sri Lanka is through the USAID program. The United States in the past provided significant aid to Sri Lanka through the USAID program. In July 2003, USAID funding was pegged at USD 40.4 million. Currently, the United States, European Union, Japan, and Norway are part of an aid program aimed at war reconstruction in Sri Lanka (the Tokyo Conference). Washington has recently required that future aid is contingent on the current peace process continuing and that the war-torn northeastern region must be re-integrated into the national economy.¹⁹

A full-scale civil war broke out in Sri Lanka in July 1983, during the tail end of Ronald Reagan's first term. However, Reagan was far more concerned with the Soviet occupation of Afghanistan and the primary relationship was with Pakistan for transporting U.S. military aid to the Afghan *mujahideen*. Some of these surplus arms found their way to the Sri Lankan conflict. Furthermore, according to Ramatanu Maitra, interest in accessing Trincomalee had also waned during this administration.²⁰ The George H.W. Bush administration also demonstrated little interest in the conflict as it was experiencing the culmination of Reagan's foreign policy with the decline of the Soviet Union and the end of the Cold War.

Under the Clinton Administration, Secretary of State Madeline Albright introduced the State Department list of Foreign Terrorist Organizations (FTOs) in October 1997. The initial list comprised of 30 organizations, including the LTTE. The LTTE brought two separate legal actions to be removed from the list and were defeated both times. However, the FTO list adds to pre-existing "terrorist" lists maintained by the Treasury Department and the State Department that are still in use and also include the LTTE.

The current administration of U.S. President George W. Bush is primarily engaged in the conflict through the Tokyo Conference aid program. The United States continues to designate the LTTE as an FTO until it renounces the use of political violence in both rhetoric and practice. However, as in the past, U.S. foreign policy focus in South Asia has been on Pakistan, Afghanistan, and India. U.S. relations with Sri Lanka continued to be dictated by concerns of its impact on Indo-U.S. relations.

b. *The Domestic Policy Context in Sri Lanka*

Erin K. Jenne identifies Sri Lanka as a "fragmented state," i.e., a state that continues to provide basic services to their populace but also has lost control over a significant portion of its territory. The fact that the LTTE operates openly in the territories under its control and functions as the *de facto* authority is testament to that. As Jenne points out, this may be an "unstable equilibrium," risking fragmented states into becoming failed states. However, this is

19. Rocca, Christina, *The FY 2005 Foreign Assistance Budget Request for South Asia*, online at <<http://www.state.gov/p/sa/rls/rm/30061.htm>> (accessed Mar. 17, 2004).

20. Maitra, Ramtanu. "Covetous Eyes on Sri Lanka's Strategic Jewel." *Asia Times Online* (Jan. 30, 2004).

not likely with Sri Lanka in the near future, but Jenne recommends external facilitation of mediations between the LTTE and Sri Lankan government as well as promoting greater cooperation between the Tamil and Sinhalese communities.²¹ Jenne's recommendation is not without merit or precedents; many long-standing conflicts stem from communal conflict (Ireland, Israel, etc.), and many recommendations have been made to introduce "civic programs" into these conflicts to mitigate long-standing hatreds. However, these civic programs would have to be specifically designed and carefully monitored to promote true "civic unity" as opposed to becoming a tool for nationalist and separatist aspirations.



Amendment to the Sri Lankan constitution provides the basis for possible political devolution



In order to consider how U.S. policy should be addressed, the government structure must be considered. The current government of Sri Lanka is a presidential system, where the president is head of state with significant executive powers. The legislature is a unicameral parliamentary government that selects a prime-minister, the head of government. The president is an independent executive directly elected for a six-year term and major powers include assuming government portfolios as well as dismissing the Prime Minister, Cabinet members, and the Parliament.²² The Thirteenth

The major parties include the People's Alliance (PA), a coalition led by President Kumaratunga, the United National Party (UNP), the People's Liberation Front (JVP), the Sri Lanka Muslim Congress, and the Tamil United Liberation Front (TULF). The PA is an alliance of several political parties led by the SLFP (Sri Lanka Freedom Party) under Kumaratunga. The JVP is a prominent Sinhalese nationalist group that opposes devolution and considerable responsible for past anti-Tamil riots. The JVP and PA have declared

alliance in the upcoming elections. The UNP, led by Ranil Wickramasinghe, historically favored economic liberalization as opposed to socialist policies and therefore has greater backing from the business community. It also has less association with Sinhalese chauvinism. The TULF, once a bastion of Tamil separatism, is now a moderate party seeking to advance the cause Tamils by political means. Its actions are opposed by the LTTE, which seeks to be the representative of Sri Lankan Tamils.

Pictures 1 and 2. Former PM Ranil Wickramasinghe (top) and President Chandrika Kumaratunga. Kumaratunga dismissed Wickramasinghe and the parliament in February 2004. - BBC News Online and Associated Press

Currently, Sri Lanka will have new elections in April 2004 following the dismissal of government in February. The political rivalry between President Kumaratunga and PM Wickramasinghe is blamed for the crisis and for stalling the current peace process. Concerns that Kumaratunga could veto the peace accord led to Wickramasinghe to propose a new amendment that would abolish the presidential dissolution powers.

c. *The Regional Policy Context*

If the United States is to become involved in the Sri Lankan conflict, it must consider the impact that any action will have on the major regional players, India and Pakistan. Pakistan is comparably unaffected by the conflict but has provided some support to the Sri Lankan government in the past. Pakistan has already seen U.S. presence establish in Afghanistan, a former haven for Pakistani Inter-Services Intelligence (ISI) clients. Pakistan may be concerned if

21. Jenne, pp. 222-223

22. "Sri Lanka," *The Europa World Yearbook*, 2003 (44th ed.), London: Europa Publications, 2003.

U.S. actions would affect its relations with either Sri Lanka or even with India. India is more directly affected by the conflict in Sri Lanka, and U.S. involvement may therefore garner suspicion, concern, or even opposition from New Delhi. Sri Lanka is considered essential by Indian security analysts for establishing an Indian navy and its security. In fact, India was suspicious of external involvement in Sri Lanka as part of an attempt for outside powers to gain greater access to Sri Lankan ports such as Colombo, Trincomalee, and the Batticaloa lagoon, especially for establishing naval bases.²³ Trincomalee and Batticaloa lagoon are in the Eastern Province, where the Tamils are a minority but part of which has also succumbed to the insurgency. Indian security officials have in the past attempted to prevent external powers such as Pakistan, the PRC, and the United States from developing economic operations at these ports and vehemently opposed the development of a naval base in these ports. During the Cold War, India used the principles of “non-alignment” to deter potential rivals from using the ports.

The United States has an interest in expanding its naval presence in the Indian Ocean and establishing naval bases in ports such as Trincomalee. Not only could an increased U.S. naval presence in the Indian Ocean help deter Chinese advances to spread its influence into the Indian Ocean and Southeast Asia, but it could also serve as an alternative refueling and rearmament stop for its Fifth Fleet military operations in the Middle East and Afghanistan.²⁴ However, India has expressed greater caution in expanding such a security relationship with the United States because of U.S. relations with Pakistan, low reliability of the United States as an arms supplier, and differing views on how to maintain stability and security in Asia as well as on differing views regarding the Indian Ocean basin.²⁵ However, such concerns are currently moot because of the strong LTTE presence in the Eastern Province and the threat to foreign naval bases that it would pose.

There are also political factors that make India wary of outside intervention, especially from the United States, into the Sri Lankan conflict. The central government may still seek to win points with the Tamil-speaking states by mediating this long-lasting conflict and recompense for the IPKF. Also, there is the question of negotiating with LTTE. The Congress Party of India is currently in the opposition. Even if the current Bharatiya Janata Party (BJP)-led Indian government pursues a peace process with the LTTE, the Congress and other opposition parties will demand that LTTE leader Prabhakaran be extradited in connection with the 1991 assassination of Rajiv Gandhi. As long as the Congress Party, currently led by Sonia Gandhi, Rajiv’s widow, remains an active force in Indian politics, such an opposition will remain a factor in Indian-LTTE relations. Such a situation would make the peace efforts more tenuous; EU observers recommend that either Prabhakaran surrender to extradition for trial or India grant him amnesty for the charges.²⁶ Neither prospect seems very likely. Finally, India may not be as supportive towards the idea of an independent Tamil state in Sri Lanka out of concerns that it might spur Tamil separatism within its borders.²⁷

It should be noted, however, that the protracted conflict in Sri Lanka, the increase in criminal activities in Tamil Nadu attributed to the LTTE, and the assassination of Rajiv Gandhi and other Indian politicians has waned interest among Indian Tamils for a separate state and the LTTE cause. However, sympathy for Sri Lankan Tamils, if not for the Tigers, remains a factor in Tamil Nadu and among Indian Tamils. Furthermore, India’s early clandestine support of the LTTE through its Research and Analysis Wing (RAW), which was done to pressure

23. Silva, K.M. de, pp. 117-118.

24. Bedi, Rahul. “US Increases Naval Presence in Indian Ocean,” *South Asia Tribune*, Jan. 19 2003, online at <http://www.satribune.com/archives/jan13_19_03/opinion_usbases.htm> (accessed Feb. 21, 2004).

25. Maitra, Ramtanu. “A Partnership of Unequals,” *Asia Times Online* (Jan. 21, 2004).

26. Dr. Perera, Rienze and MacSwiney, Morgan. “EU Conflict Assessment Mission, Sri Lanka.” European Commission Conflict Prevention and Crisis Management Unit, 2002, p. 33.

27. <http://www.global-defence.com/2003/sri_lanka.htm> (accessed Feb. 8, 2004).

Colombo into negotiating with Tamil moderates, contributed to the escalation of the conflict and therefore raises serious concerns about New Delhi's ability to manage regional security.

d. *The Global Policy Context*

U.S. involvement will also face perceptual dilemmas from the indigenous and world community. Both the Sri Lankan government and LTTE have engaged in human rights abuses. The Sri Lankan abuses stem from their authority as a state entity forcing order within their boundaries; the LTTE abuses stem from their status as a violent non-state insurgency group. Political conservatives would prefer the United States to side with Sri Lanka as it is a legitimate state subject to domestic terrorism; left-leaning or more radical observers, however, would note that the LTTE is a response to systematic discrimination against and cultural denigration of



political visage (right)
of V. Prabhakaran.
- BBC News Online

Tamils perpetrated by the Sinhalese-dominated Sri Lankan state. Ethnic chauvinism will need to be curtailed on both sides if any serious mediation effort is to be initiated. Early reports of ethnic violence early in the new election polls do not provide an encouraging picture.²⁸

It should also be noted that Amnesty International and Human Rights Watch blame both the LTTE and SLA for human rights violations such as political kidnapping and torture, but only the LTTE has been cited for such grievances such as child soldier recruitment, kidnapping and ransom, and extortion. The LTTE has also harassed, attacked, and killed members of moderate Tamil political groups that oppose the group's militancy. The government and SLA have also been criticized for detaining suspects for long periods without trials or representation under the Prevention of Terrorism Act and using torture on such suspects.²⁹ Such human rights abuses on both sides make involvement in the conflict a difficult matter as neither side has either the moral high ground in the conflict. However, the "underdog" effect could stem global opinion favorably towards the Tamils, if not the LTTE, considering their history of oppression and discrimination since Sri Lankan independence.

e. *The Context of an Evolving LTTE*

Finally, the United States must take into account the activities and nature of the LTTE, especially under the current leadership of V. Prabhakaran³⁰. Prabhakaran himself is on

28. BBC News Online (Feb. 25, 2004).

29. "Sri Lanka: Human Rights and the Peace Process." *Human Rights Watch Background Briefing*. Human Rights Watch, 2003.; "Sri Lanka." *Amnesty International Report 2003*. Amnesty International, 2003. Under international law, a child soldier is any individual under the age of 18 recruited for combatant duty.

30. While writing this article, a split in the LTTE leadership was reported on March 4, 2004 after the latest peace talks were stalled by LTTE withdrawal and elections in April following a government dismissal. A Colonel Karuna from the Eastern Province claims to have split with the LTTE over complaints that most of cadres were coming from the east but LTTE leadership is dominated by northern officers, including Prabhakaran. Karuna, Prabhakaran's former bodyguard, has requested that a separate peace be negotiated with the faction under his control. The situation complicates negotiations with Norwegian mediators and threatens to upset the peace process with retaliation from Prabhakaran. Retaliation from Prabhakaran against Karuna is very likely considering past behavior. The LTTE, however, claims the crisis is temporary and that it would be resolved shortly (BBC News Online, Mar. 4, 2004). However, recent reports have

Interpol's most wanted list for terrorism, murder, and organized crime.³¹ The LTTE is the *de facto* authority in most of the Jaffna peninsula, providing security and services while extorting payments from residents. His personality and leadership style has often been criticized as counter-productive to actually facilitating a political settlement. The LTTE has also been accused of lacking any commitment to a political settlement and Prabhakaran has made sure that military capability trumped political ideology.³² Previous peace talks failures have often been attributed to unsound demands made by Prabhakaran to the Sri Lankan negotiators, e.g., permitting LTTE cadres to openly carry unlicensed weapons in the Eastern province, removal of certain army camps critical to SLA defense that were permitted in a prior agreement, and denying SLA members from carrying weapons in LTTE held territories.³³ An article in the *Far Eastern Economic Review* notes that Prabhakaran may have rejected Kumaratunga's devolution proposal in 1995 because it could have marginalized the LTTE and his authority.³⁴

Furthermore, the LTTE, rather than being a ragtag army of untrained volunteers, consists of disciplined, well-trained, and well-armed men and women that can strike efficiently and effectively using either convention or guerilla tactics. The LTTE is not only experienced in guerilla warfare but has also conventional tactics as its forces grew larger.³⁵ The LTTE also has a sophisticated counter-intelligence network that also disrupts government information-gathering networks. The losses suffered by the SLA from 1996-2001 during their various offenses are testament to that fact.³⁶ Human rights organizations have noted that the LTTE also engages in child soldier recruitment. So far, the LTTE has not engaged in political violence against target states of their criminal enterprises, nor does it seem likely that they will do so in the future. Despite crackdowns and being declared illegal in some states, the LTTE sees little benefit in violently attacking states whose sympathy they want to seek. However, in October 1997, an LTTE truck bomb exploded next to a Hilton hotel in Colombo, wounding 36 foreigners, including seven Americans. The attack is suspected to be a possible retaliation against the United States and other Western governments' show of support for Sri Lanka.³⁷



Picture 5. LTTE training camp; this particular camp belongs to the breakaway rebel Col. Karuna.
- BBC News Online

Peter Chalk further notes that the LTTE is a well-organized and armed insurgency that could rival armies of comparable size, with both an airborne and amphibious group and a suicide commando unit. Also, the LTTE has an effective political wing that assists its fundraising and propaganda operations. LTTE propaganda, headed by Alton Balasingham, reaches as many as fifty-four countries through offices and cells from its "diplomatic" branch. Some of the overseas cadres Tamils smuggled to these countries with the help of the LTTE and then forced to assist them in their criminal enterprises or propaganda, make donations to the cause, or both.³⁸ One method of persuasion used by the LTTE is to threaten the families of migrants who still reside in LTTE-held areas. The Tamil propaganda machine of the mid-1980s, then spearheaded by the TULF, was successful in generating sympathy for the Tamil cause and benefited the LTTE which used this

indicated that Col. Karuna's faction has been defeated and that the northern leadership is once again in control of the Eastern Province. Col. Karuna's whereabouts remain unknown (BBC News Online, April 13 and 14, 2004).

31. Interpol website < http://www.interpol.com/Public/Wanted/Notices/Data/1994/54/1994_9054.asp>.

32. Kalansooriya, Ranga. *LTTE and IRA*, Colombo: Sanhinda Printers and Publishers, 2001 p. 153, 157-158.

33. Gunasekara, S.L. *A Tragedy of Errors*, Colombo, Sri Lanka: Sinhala Jathika Sangamaya, 2001 pp. 103-115.

34. Silva, Manik de. "Looser Reign." *Far Eastern Economic Review* (Aug. 17, 1995), pp. 17+.

35. "Liberation Tigers of Tamil Eelam," *Encyclopedia of Terrorism*, p. 216.

36. BBC News Online. "Hundreds Die in Sri Lanka Offensive" (Sept. 4, 2000) and "Sri Lanka Army Death Toll Rises" (April 29, 2001).

37. Anderson, Sean K., and Stephen Sloan. "Liberation Tigers of Tamil Eelam (LTTE)," *Historical Dictionary of Terrorism*, 2nd ed. Lanham, Maryland: Scarecrow Press, Inc., 2002, p. 294.

38. Joshi, Charu Lata. "The Body Trade." *Far Eastern Economic Review* (Oct. 26, 2000), pp. 100-4.

network for its own fundraising network.³⁹ The propaganda effort can be considered effective for the most part since they operate in countries that lack any legal infrastructure that exist in the United States, Canada, and the United Kingdom to treat the LTTE as a terrorist organization. The LTTE's international fundraising activities range from donations from sympathetic members of the Tamil diaspora, a possible involvement in lucrative narcotics operations, and diverting funds from non-profit organizations.⁴⁰ Chris Smith also points out that the LTTE owns several small enterprises from around the world from which it siphons funds. These fundraising and propaganda networks are deemed highly efficient; one analyst, Rohan Gunaratna, even comments, "The LTTE propaganda and fundraising network is superior to other extant networks such as Hamas, Hezbollah, Kashmiris, or the Basques."⁴¹

However, the most impressive aspect of the LTTE is its military weapons procurement capability. Using front organizations and companies in Southeast Asia, the LTTE now smuggles surplus Cold War weapons from Cambodia, Ukraine, and Africa. Former war zones such as Afghanistan, Mozambique, Cambodia, and the former Yugoslavia and dealings with the local mafias of some former Warsaw Pact countries also provide a source of arms. As noted above, they also have a merchant navy, consisting of at least ten freighters with the latest communication and radar technologies and registered at ports with lax registration procedures. So long as the LTTE has control of key points in the Jaffna region it can effectively smuggle in weapons with its fleet of small freighters. LTTE weapons procurement network is also based in Southeast Asia, with LTTE camps in Thailand, Cambodia, and front organizations in Malaysia and Indonesia. The LTTE also raids the weapon stocks of and shipments of weapons to the SLA and Tamil counterinsurgency groups armed by the Sri Lankan government.⁴² Given this context of political and strategic conditions, U.S. policymakers must consider the four major policy options discussed below.

6. AMERICAN POLICY OPTIONS TOWARD THE SRI LANKAN CONFLICT

There are four possible policy options available to the United States for engaging the Sri Lankan conflict: (a) to deal directly with Sri Lanka *only*; (b) to provide direct military support or action into the conflict; (c) to cooperate and engage with both India and Sri Lanka and use India's regional power status; or (d) to encourage the continuation of mediation of the conflict between the two leading parties. U.S. policymakers can enact these recommendations either exclusively or in combination. Options to engage directly in the domestic political and social affairs are premature at this point, since the Sri Lankan economy is still growing and security forces are still functioning for the most part. Sri Lanka is *not* a failed state yet and should be treated as sovereign. Therefore, U.S. policymakers must make policy decisions on direct bilateral or multilateral state-to-state relations.

- a. **Option 1:** *Directly engage Sri Lanka on the matter in a non-direct manner –aid, info-sharing, logistics, etc. – and maintain diplomatic and official opposition to the LTTE.*

What this option comprises is for the United States to provide diplomatic and non-lethal, non-aggressive military support to Sri Lanka in dealing with the LTTE and the conflict. This restricts U.S. action to providing equipment such as radar, radio, expertise, and perhaps caches of medical equipment and supplies but does not allow giving weapons, ammunition, or vehicles with destructive capabilities. Sri Lankan police teams are already being trained in the

39. Gunaratna, Rohan. *International and Regional Implications of the Sri Lankan Tamil Insurgency*. International Policy Institute for Counter-Terrorism, December 2 1998.

40. Chalk.

41. Gunaratna and Smith, Chris, "In the Shadow of a Ceasefire." For more details on LTTE fundraising operations, see Gunaratna, Rohan, "Sri Lanka: Feeding the Tamil Tigers," *The Political Economy of Armed Conflict*. Boulder, Co.: Lynne Reiner, 2003.

42. Smith, pp. 10-14.

U.S. in anti-terrorism tactics, including bomb disposal.⁴³ It is also best that the United States continues its stance that concerns of human rights violations by the Sri Lankan government serve as the basis for not providing more direct aid to the government. The United States could also provide approval and disapproval to the status of developments in the conflict by means of statements from the foreign policy sector of its government. At the most, the United States could also intervene diplomatically on a track-one basis into the conflict by either high-level or intermediary officials within the foreign policy arena. This does not curtail full-scale mediation but rather a diplomatic exchange of notes on how the conflict must be mediated between the LTTE and the Sri Lankan government. Finally, U.S. officials would monitor the activities of the LTTE, deter their criminal activities, especially within the United States, and maintain the LTTE on the State Department list of FTOs as a disapproval of their political terrorist tactics. It should be noted that designation as an FTO is not an outright ban by the United States; it only disallows material and economic support, but not “humanitarian” and political, for an FTO.

The United States is currently carrying out this policy option for the most part. This option carries the least physical commitment, both short- and long-term, for the United States towards Sri Lanka. Washington will not risk troops or a significant amount of funds towards mitigating the conflict. The United States also makes a humanitarian stance by not becoming directly engaged in the conflict by patron-client military support. Furthermore, this course of action will draw little criticism from domestic U.S. observers. Too much engagement could elicit complaints that the conflict has little consequence for immediate U.S. interests and from Sri Lankans who are wary of an intervention of an outside power that has recently engaged in ambitious military adventures in Afghanistan and Iraq. Diplomatic efforts to encourage the mediation of this conflict are the least that can be done by the United States; only in instances where an immediate threat to U.S. interests are involved would the American government send diplomatic envoys to address the matter in specific detail. Washington has also refused to sanction the illicit activities of the LTTE and their use of violence for political goals.

This option by itself offers limited assistance in pushing the peace process. More action is needed than monitoring or verbal disapprobation to deter the development of the weapons procurement network or criminal enterprises of the LTTE. For that to occur, the United States would have to expand diplomatic relations with Sri Lanka and engage in intelligence sharing and joint law-enforcement operations, thereby becoming more involved in the conflict. In the long run, this could provide the SLA with a slight tactical advantage over the LTTE. However, in addition to drawing domestic U.S. criticism, human rights observers would probably argue that the U.S.’s “limited support” could still assist the SLA in committing human rights violations. The “non-committal” action also does little to solve the basic issues that have created the ethnic divide on the island in the first place. Finally, having the United States distance itself from the conflict in this manner will do little in promoting greater goodwill between it and Sri Lanka if it were to seek access to its ports in Trincomalee. Such an issue would be of great importance if the United States seeks to expand its naval presence in the Indian Ocean, although as noted above, LTTE presence is strong in the Eastern Province, and the issue of naval access may be moot.

- b. **Option 2:** *Provide direct military support (arms and/or troops) – very unlikely due to IPKF debacle; would also concern India and possibly Pakistan as well.*

This option would involve sending U.S. troops into conflict in the hopes of resolving the conflict, similar to U.S. operations in Somalia, Kosovo, and Bosnia. Permission and tacit agreement with Colombo would be required for any military operation performed in Sri Lanka. This could involve a medium-level commitment of direct military support and troops but could potentially be higher and more costly. A track-one diplomatic element will also be involved to

43. Bedi.

garner acceptance and support from the international community and U.S. domestic public opinion. Request of aid and assistance from Sri Lanka would soften any negative reactions from the international community. The U.S. would have to use army bases in the south of the island as well as naval support to carry out its operations against the LTTE. It is very unlikely the United States would use destructive missile technology, such as Tomahawk missiles, to attack LTTE positions because of the high risks of hitting civilians and refusal from the Sri Lankan government from using such weaponry within its territory. Therefore, urban and rural warfare would be the primary mode of military action in an overall U.S.-Sri Lankan counter-insurgency effort.

If the United States implemented this action it could provide a quick, swift victory and boost their relationship with Sri Lanka and perhaps provide easier access to Trincomalee so as to set up a U.S. naval base. This is not only due to an increased likelihood of acceptance from the Sri Lankan government, but also because the territories could become more secure for such a venture. The United States and Sri Lanka would most probably agree to a joint military exercise against the LTTE since Sri Lanka is *not* a “failed state.” A quick and easy victory would also go over well with a conflict-weary U.S. public, especially if the “humanitarian” aspects, such as preventing the recruitment of child soldiers and curbing the historical brutality of the LTTE are emphasized. Finally, it could stem the litany of criminal arising from the conflict and the LTTE that not only plague Sri Lanka but also several other countries, including the United States. Such a law enforcement victory would be lauded by many observers and the U.S. public.

However, there is also the possibility that a military intervention by the U.S. could also be a failure like the IPKF and instead entrench U.S. troops in guerilla combat for extended periods. This possibility is more likely than a quick, decisive victory. Even if the U.S. military “defeated” an experienced, well-trained insurgency like the LTTE, it could remain bogged down in peacekeeping operations and be assaulted by remnant forces. This could significantly raise the costs of such an operation; troop casualties could conceivably be high. Unlike Iraq, which the U.S. invaded, there is little incentive for the United States to maintain a “peacekeeping and reconstruction presence” in Sri Lanka when a functioning domestic sovereign authority exists. Furthermore, the failure of Somalia could ring in the American public’s memory and create a backlash against the administration that attempts this policy. If U.S. troop intervention ends up being a failure like the IPKF, it would also create a backlash against the US from the Sinhalese, Tamils, the SLA, the Sri Lankan government, and the LTTE. The odds of the US accessing ports such as Trincomalee would not only be minimal, but it may turn the LTTE fiercely against the United States.

Although the LTTE is linked with several assassinations in India after the IPKF, it is unlikely to make a direct assault against the United States, at least not outside its immediate sphere of influence. At most, U.S. consulates in southern India may be attacked. However, a more possible scenario would be the LTTE linking up with international terrorist organizations that are opposed to U.S. hegemony and engage in arms and weapons exchange and transfers with these groups. This, however, would also be unlikely considering that the LTTE tightly manages its weapon caches and the LTTE appears to have little political or strategic interest in taking its struggle to the United States. However, the LTTE could still attack U.S. and Western targets within Sri Lanka and possibly southern India if it is deemed necessary to its political cause.

Finally, the risk of global, regional, and domestic backlash is significant. Critics of the United States who opposed the war in Iraq would be equally critical of the U.S. counter-insurgency against what will be widely perceived as the Tamil right to nationhood. The LTTE and other Tamil organizations have publicized the plight of Tamil in Sinhalese-dominated Sri Lanka and may have garnered sympathy with the Tamil cause if not the tactics. India would also balk that the U.S. would take such a drastic into its sphere of influence and may step up its

opposition to U.S. policies and desires to establish naval bases in South Asia for the U.S. Fifth Fleet. Pakistan, a current U.S. ally in the war on terror, could also be concerned that the U.S. action may also be affected out of concerns that U.S. actions could affect its relations with Sri Lanka and possibly exacerbate relations with India; both countries are currently in peace negotiations over the Kashmir issue. U.S. military actions would then potentially impact regional security and weaken other U.S. foreign policy goals. Therefore, this option is the least likely and viable for any future U.S. foreign policy towards the Tamil conflict.

- c. **Option 3:** *Cooperate with both India and Sri Lanka on the matter of aid, training, and counter-insurgency measures with regards to Tamil insurgency and separatist movements; use India's regional power status to mitigate the conflict.*

This option would involve using India as a regional power to work with the Sri Lankan government to curb the activities of the LTTE and hopefully mitigate the conflict either by exhausting the LTTE insurgency or negotiated political settlements. Washington would be supportive of Indian efforts to help resolve the conflicts by limited military assistance and/or diplomatic support. Instead of sending American troops and armaments to Sri Lanka, the United States would be supportive of Indian efforts instead to mitigate the conflict. The U.S. government could send logistical support, non-lethal aid, and training supervisors to assist both Indian and Sri Lankan security forces in opposing the LTTE. India would not have to perform an armed intervention similar to the IPKF, but such an option could remain open if favorable conditions persist. This could involve a medium to high level of diplomatic resources on Track One diplomacy but only a minimal amount of physical military resources to be given as aid. To maintain its stance on human rights concerns, the United States would continue to limit its support to non-lethal equipment.

This option has similar advantages to that of option 1. It burdens the United States with a very modest commitment in terms of troops, armaments, and resources. However, stronger and more active diplomacy would be involved to assure other nations that U.S. interests were being pursued in close consultation with India and Sri Lanka. Regular State Department envoy visits would meet both the Sri Lankan and Indian governments to discuss the status of the conflict. Washington would be able to develop better relations with New Delhi, a former Cold War “nonalignment” rival, and improve chances of Indian acceptance of a U.S. naval base in Trincomalee. India and Sri Lanka have agreements that seek to deter Tamil separatism in the region and Sri Lanka has long desired greater Indian involvement around the Jaffna peninsula to stem LTTE arms and contraband flows. The United States and India are currently engaged in military exercises, including naval exercises in the Indian Ocean, as part of an effort to develop cooperation and hopes that the United States can have port access in India and Trincomalee without opposition from New Delhi.⁴⁴ This option allows Washington to give support in ending the Tamil conflict, reduce LTTE presence in regions where naval bases can be set up, and does not impinge on New Delhi's regional sphere of influence and therefore aggravate Indo-US relations.

However, this option is flawed in that it presumes that tacit support of Indian hegemony in South Asia, as part of an overall challenge to PRC hegemony in Asia, would translate into providing mutually beneficial returns to U.S. interests. India has little interest in seeing American influence and hegemony expand into South Asia. Current military exercises and diplomatic détones may be part of a larger Indian effort to stymie the relationship between the United States and Pakistan rather than to develop a closer relationship. India may simply accept American military and diplomatic support to supplement its own efforts and to garner “free advertising” for its effort in stemming regional terrorism. Another problem with this option is that it would help contain LTTE and Tamil separatist activities but would do little to resolve the

44. Maitra, “All at Sea in the Indian Ocean,” *Asia Times Online* (Jan. 22, 2004).

basic problem of the conflict: the systematic discrimination and oppression of the Tamils. Concerted Sri Lankan and Indian efforts would appear to support oppressive Sinhalese domination, and the United States could become negatively attached. However, considering that India has its own significant Tamil population within its borders, India's role in curbing Tamil separatism may be suspect. Indian Tamils and India share no interest in seeing the LTTE advance, but Indian Tamils have considerable sympathy for the plight of Sri Lankan Tamils. The fact that India initially supported the LTTE and partly led the IPKF to appease its Tamil constituents raises concerns on whether it will carry out actions beneficial for regional security or for domestic political concerns and national interests. The memory of the IPKF debacle deters another Indian armed intervention, but India still seeks to establish its hegemony over Sri Lanka. Part of that effort included supporting and training the LTTE in its early years; India could use clandestine tactics to undermine Colombo and somehow resolve the conflict for its own benefit, i.e., easy access to Trincomalee and exclusion of outside powers. Therefore, this option would risk reducing American influence in Sri Lanka, as well as the opportunity to establish increased naval access to its ports.

- d. **Option 4:** *Encourage intervention and mediation (UN, multilateral, or US) – providing a more “neutral” party atmosphere – and facilitate a political settlement between the LTTE and the Sri Lankan government.*

This option would involve extensive use of U.S. diplomatic resources to facilitate a political settlement to the conflict, as opposed to using physical military force. Although this would evidently involve a high degree of U.S. diplomatic prowess and resources, a degree of military force may be required to enable enforcement of settlements or agreements. Currently, the Norwegian government is mediating the peace process between the LTTE and the Sri Lankan government, which has been stalemated by an LTTE withdrawal in April 2003 and President Kumaratunga's government dismissal in February 2004. The United States could intervene in the peace process, but it must wait until at least the next government is elected by April 2004. The American government currently provides foreign aid aimed at rebuilding war-torn areas under the condition that the peace process continues. Mediation options and approaches would have to satisfy the new government to be elected, but certain factors would have to be considered: Tamil discrimination must be eliminated, war-torn areas must receive support and reconstruction to re-integrate these areas into the Sri Lankan political economy, and widespread disarmament must occur among Tamil separatists and pro-Sinhalese groups.

Furthermore, human rights violations must cease on both sides, i.e., rape, kidnapping, extortion, illegal detainment, and child soldier recruitment. To achieve these goals would require negotiating with LTTE leader and military commander V. Prabhakaran and political wing head S.P. Thamilselvan. Sri Lanka lifted the ban on the Tamil Tigers when the latest rounds of peace talks began, making the LTTE feel more welcome to the process;⁴⁵ if the United States is to be involved more directly in a mediation or the peace process it may have to reconsider its policy towards the LTTE. Negotiating with Colombo would also be easier if there were overall unity in the government. Recent disputes between the President and the PM over the peace process, such as the one that led to the dismissal of PM Wickramasinghe's government, make bilateral negotiation and cooperation very difficult indeed. Track-one diplomacy will be essential if US interests are to be relayed in the future, but track-two or multi-track diplomacy could also be utilized to spur the peace process.

The advantage of this option is that the United States can devote significant diplomatic resources without necessarily resorting to an extensive commitment of physical military resources. The United States could at the least, provide encouragement to the peace process with a multi-lateral or multi-track process or, at the most, lead the peace process by itself. A

45. BBC News Online. "Sri Lanka Elections Call 'Selfish.'" (Feb. 9, 2004).

diplomatic success could receive acclaim from both U.S. domestic and international public opinion. Furthermore, a peaceful resolution to this conflict could allow easier negotiation for the United States to benefit from increased naval access to Trincomalee and enhanced US-Sri Lankan security ties. However, this most probably would occur after a stable peace has been established for a significant period of time.

However, this option could also face the situation of diplomatic deadlock and stalemate. Furthermore, there is also the risk that the “*détente*” between the two parties of the conflict may break down and a return to violence may occur. This especially is a strong possibility if a power struggle occurs either in the LTTE or the Sri Lankan government between those that oppose the peace settlement and those that favor it. Currently, a leadership struggle has recently arisen in the LTTE, between a Col. Karuna (*nom de guerre* of Vinayagamoorthi Muralitharan) and Prabhakaran, and the recent call for elections in the Sri Lankan government are a culmination of a long standing dispute between PM Wickramasinghe and President Kumaratunga over the peace process. The fact that the Kumaratunga’s PA has allied with the pro-Sinhalese, JVP, a group linked to anti-Tamil riots in the past, raises concerns among the LTTE. The entrance of anti-federalist and anti-Tamil Buddhist monks and early reports of a possible split within the LTTE also discourages the use of this option.⁴⁶ The breakdown of talks could be a diplomatic *faux pas* for the US and may actually hurt its standing within the region. In addition, history is not on the side of this option; the IPKF was based on the 1987 Indo-Sri Lankan Accord, and the early cooperation from the LTTE broke down following disputes on the process of devolution and Indian misconceptions regarding the acquiescence of the LTTE. Instability in both the government and the rebel leadership currently make diplomatic negotiation a difficult possibility.

Two other problems with this option are the risk of threatening India’s perceived sphere of influence and the negative publicity received from negotiating with V. Prabhakaran, a noted human rights violator, a man described as “implacably violent and as fascist a leader as South Asia has yet produced,⁴⁷” and accused of maintaining separatists aspirations and giving only lip service to the concept of political devolution.⁴⁸ Human rights organizations complain that Prabhakaran continues to engage in child soldier recruitment and LTTE criminal actions raise concerns whether any legitimacy should be given to a violent insurgency group. Also, if the U.S. excludes India from a peace process that one of its powerhouse rivals has decided to involve itself with, India may step up opposition to increased U.S. presence in South Asia and therefore block U.S. efforts to establish a base at Trincomalee. Furthermore, it risks aggravating Indo-U.S. relations.

Finally, there is no guarantee that U.S. interests will be forwarded if the U.S. became more involved in the peace process. In fact, the United States must shed any vestige of interest in Sri Lanka so as to remove the specter of bias. Unfortunately, U.S. interest in Trincomalee is long-standing and well-known. Also, the new U.S. “war on terrorism” may place it in direct odds with the LTTE if the LTTE returns to political violence. The new global cause may in fact deter the United States from developing contact with the LTTE or dropping its status as an FTO, a necessary move for U.S.-led negotiations. The better option would be to let the peace process be multilateral and/or multi-track. Since the United States is already deemed to have strategic interests in Sri Lanka, it is probably better that Norway continues its role as the sole mediator of the conflict.

7. POLICY RECOMMENDATIONS & CONCLUSIONS

46. BBC News Online, “Monks to Contest Sri Lanka Polls” (Mar. 2, 2004) and “Sri Lankan Rebels Deny Split” (Mar. 3, 2004).

47. Austen, Dennis, and Anirudha Gupta. “Lions and Tigers: The Crisis in Sri Lanka.” *Conflict Studies* 211 (1988): 1-19; Cited in Anderson and Sloan, “Liberation Tigers of Tamil Eelam (LTTE),” *Historical Dictionary of Terrorism*, p. 292.

48. Gunasekara, pp. 115.

Given the foregoing analysis of policy options, some recommendations are in order. First, the United States must completely rule out armed intervention, even if it is with the request and permission of the Sri Lankan government. Residual Cold War anti-U.S. sentiment from the days of “nonalignment” is still present in both Sri Lanka and India and domestic elements would oppose such a move. Also, the high likelihood of guerilla warfare and the use of conventional rural and urban tactics make the LTTE a far more formidable force than is usually expected of an insurgency group. The IPKF, which at one point was ten times the size of the LTTE, was unable to shatter or destroy the Tigers. Granted, they may have been working with false assumption and limited information. However, any military action by American forces must take into account the possibility of U.S. casualties and intense fighting that will attract global attention. This is especially likely since the LTTE was able to fend off the IPKF, a force at one points ten times the size of the LTTE, using what Sumantra Bose noted as a “protracted people’s war.” This tactic was used in Vietnam, Afghanistan, and Algeria to effectively fight off conventionally and numerically superior forces⁴⁹. Since the LTTE is a sub-state actor, it has fewer scruples in engaging in such tactics than state actors. Unless the United States is willing to make a long-term military commitment to the conflict as it did in Kosovo, which is highly unlikely given the recent U.S. invasion of Iraq and no immediate interests, military action would be ineffectual for U.S. foreign policy.

Second, with regard to law enforcement, it is most likely favorable if the United States continues the following policies: maintain the LTTE on its list of FTOs to make physical and military contributions to them illegal; crackdown on illegal weapons, illicit narcotics, and other criminal activities transfers in general and document those that can be linked to the LTTE; share information among law enforcement agencies in the United States, Interpol, Sri Lanka, India, and other countries where significant LTTE activity has been noted. US interests are best served in limiting the gains from criminal enterprises that fund LTTE violence and have a debilitating effect on several countries. The United States can offer logistical assistance, non-lethal equipment, and law enforcement training to the Sri Lankan Army. It cannot offer more than this due to human rights concerns and incidences of desertion and weapons theft within the SLA. U.S. interests are best served by offering limited assistance but not providing any technology or capabilities that can worsen human rights problems or potentially increase, either quantitatively or qualitatively, illegal weapons transfers. However, should a worldwide concerted law enforcement effort significantly reduce the resources and capabilities of the LTTE insurgency in Sri Lanka, the United States must bear in mind the possibility that the LTTE may carry out acts of political violence in and against other countries outside of Sri Lanka and south India that impede its military and political goals.

Finally, U.S. diplomatic options are clearly limited by concerns of reaction from India and a secondary goal of gaining port access to Trincomalee for its Fifth Fleet. The United States is currently seeking to develop a more friendly relationship with India vis-à-vis joint military exercises. If the goal is to develop closer ties with a credible regional counter-weight to increasing PRC presence in the Indian Ocean and South China Sea, Washington is perhaps better off, for the time being, not agitating New Delhi by intruding into its sphere of influence. India views Sri Lanka as integral to its own security, especially for expanding its deep water navy, and realizes that its ports could be used by outside powers for establishing their own naval presence there. Sri Lanka, however, also may want to keep foreign powers, including, out of these ports to preserve its independence and instead use the ports for commercial enterprises instead. Unfortunately, the issue is moot, since a strong LTTE presence in the Trincomalee area would discourage a significant presence to begin with. Therefore, the United States should

49. Bose, Sumantra. “Flawed Mediation, Chaotic Implementation: The 1987 Indo-Sri Lankan Peace Agreement.” In *Ending Civil Wars*, edited by Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens, pp. 631-59. Boulder, Colo.: Lynne Rienner, 2002, pp.655-656.

disregard its interests in Trincomalee for the time being. There are far too many difficulties, uncertainties, and costs in attempting to establish a naval presence there.

In conclusion, the United States should continue to support the Norwegian-led peace process negotiations, especially since it is currently in crisis with the LTTE withdrawal and split and new parliamentary elections called four years ahead of schedule. It should not directly intervene into the mediation process since it has strategic interests and could be accused of bias. Rather, it should offer foreign aid to Sri Lanka provided that it is used to redevelop conflict areas and the peace process continues. U.S. involvement in the Sri Lankan conflict will at best be marginal and limited; there are too many factors that would actually cause its direct involvement with the conflict to be more debilitating. However, it should continue its stance to oppose the political terrorism of the LTTE and also consider the possibility of encouraging multi-track diplomacy to help resolve the conflict, i.e., non-government professional conflict resolution, research groups, media analysis, etc. Until different conditions arise, high levels of U.S. track-one diplomacy and increased U.S.-Sri Lankan relational activities towards the conflict are not likely to help mediate this long-standing regional problem.