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Fighting in Sri Lanka: Protect Civilians to Facilitate Long-term Peace

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The Sri Lankan army's recent military success against the Liberation Tigers of Tamil Eelam (LTTE) is being diminished by international concern over the deteriorating human rights situation surrounding the fighting.

The Sri Lankan army has been able to drive out the LTTE, designated as a Foreign Terrorist Organization by the U.S. Department of State, from its strongholds in the north of the island and from Kilinochchi, the city the LTTE used as a capital. The army is on the verge of military victory, having forced the Tigers into a small patch of jungle in northeast Sri Lanka. Over the long term, the likelihood of the Sri Lankan government uniting the nation will be diminished if massive civilian suffering accompanies its military victory.

Humanitarian Concerns. The fighting has had dire consequences for civilians in the region and prompted international concern that the Sri Lankan government is not taking adequate action to protect non-combatants. On March 13, U.S. Secretary of State Hillary Clinton called Sri Lankan President Mahinda Rajapaksa to express the United States' deep concern over the deteriorating conditions and increasing loss of life in the designated "safe zone" in northern Sri Lanka. Clinton stated that the Sri Lankan army should not fire into the civilian areas of the conflict zone and urged the president to give international humanitarian relief organizations full access to the conflict area and displaced persons camps. Some health officials say more than 500 patients in the war zone have died since January due to a lack of medical supplies.

Although some civilians have been permitted to leave the conflict areas, the Red Cross believes there are at least 150,000 civilians still trapped in Tiger-held areas. Human rights organizations are reporting that designated "safe zones" for civilians have been bombarded by artillery fire.¹ Additionally, the United Nations reported that cluster bombs were used against the last working hospital in northern Sri Lanka.² However, after an attack on Puthukudiyiruppu, the last town controlled by the LTTE, the Sri Lankan government claimed it captured the hospital allegedly shelled by the Sri Lankan military.³

The Sri Lankan government has set up "welfare villages" (refugee camps) to house displaced persons from the conflict region and to monitor civilians until the fighting is over, but there have been questions over the treatment of these persons. Reports state that barbed wire surrounds the camps, which are guarded by the army. Rumors persist that the Sri Lankan government will not allow people to leave the camps unless one of their relatives remains behind. The United Nations High Commissioner for Refugees has protested against the conditions of the camps, which prompted the Sri Lanka government to claim it will resettle 80 percent of the people in the welfare villages by the end of 2009.⁴

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As the LTTE loses ground militarily and is no longer able to fight conventionally, it will likely step up suicide attacks in other parts of the country and could engage in guerilla war fighting for years to come. Indeed, on March 10, a LTTE suicide bomber killed at least 14 and injured 35, including Postal Services Minister Mahinda Wijesekera and Culture Minister Mahinda Yapa Abeywardena, 100 miles south of Colombo in the town of Akuresa.⁵

Journalists Under Threat. The government of Sri Lanka has banned journalists from traveling to the conflict areas and has cracked down on media dissent against its military campaign. Journalists reporting on the conflict have noted numerous threats and acts of intimidation.⁶ On January 6, the control room of Sri Lanka's largest independent broadcaster, Sirasa TV, was destroyed by an explosive device. After Lasantha Wickramatunga, a prominent newspaper editor and critic of the government, was shot and killed on his way to work in January, his newspaper ran a posthumous editorial in which he had declared that the government would kill him.⁷ The government of Sri Lanka

firmly denies any involvement in the killing of journalists, but Sri Lankan Defense Secretary Gotabaya Rajapaksa has said publicly that dissent or criticism during a time of war would be considered treason.

Turning to the Chinese. The human rights concerns in Sri Lanka are limiting U.S. engagement with the country's leadership and leading the Sri Lankans to depend increasingly on Chinese aid. Already, the U.S. has cut off development funding for Sri Lanka by "de-selecting" the country for access to Millennium Challenge Corporation funding, citing "ongoing security concerns" in 2007.⁸ The U.S. also cut off direct military assistance to Sri Lanka in 2008 because of human rights concerns, and financial assistance has decreased from \$20.65 million in 2005 to an estimated \$7.4 million in 2008.⁹ Sri Lanka has begun to look increasingly toward China for assistance since Chinese aid comes with no strings attached. In fact, China has become Sri Lanka's largest donor, providing almost \$1 billion in aid last year.¹⁰ Chinese fighter jets, weapons, and radar have also been vital to the Sri Lankan military victories over the LTTE.¹¹

1. Ranga Sirilal, "Sri Lanka Troops Kill Tamil Tiger Finance Chief," Reuters, March 12, 2009, at <http://www.reuters.com/article/latestCrisis/idUSCOL467908> (March 12, 2009).
2. *Los Angeles Times*, "U.N. Cites Sri Lanka Cluster Bomb Use," February 4, 2009, at <http://www.latimes.com/news/printedition/asection/la-fg-srilanka4-2009feb04,0,7560986.story> (February 10, 2009).
3. Sirilal, "Sri Lanka Troops Kill Tamil Tiger Finance Chief."
4. Jeremy Page, "Barbed Wire Villages Raise Fears of Refugee Concentration Camps," *The Times*, February 13, 2009, at <http://www.timesonline.co.uk/tol/news/world/asia/article5721635.ece> (March 9, 2009).
5. "Sri Lanka 'Suicide Bomber' Kills 14," BBC, March 10, 2009 at http://news.bbc.co.uk/2/hi/south_asia/7934095.stm (March 12, 2009); "Fifteen killed in Sri Lanka Suicide Bombing: Police," Agence France-Presse, March 10, 2009, at <http://www.google.com/hostednews/afp/article/ALeqM5hlaMrWBgavYA1xHQqCLpFqYhs0oA> (March 12, 2009).
6. *Ibid.*
7. Chris Morris, "Sri Lanka Journalists 'Risk Death,'" BBC, February 3, 2009, at http://news.bbc.co.uk/2/hi/south_asia/7866253.stm (February 10, 2009).
8. K. Alan Kronstadt, "Sri Lanka: Background and U.S. Relations," *CRS Report for Congress*, January 22, 2008, at http://assets.opencrs.com/rpts/RL31707_20080122.pdf (March 18, 2009); Millennium Challenge Corporation, "Sri Lanka Compact-Eligible Report," November 2007, at <http://www.mcc.gov/documents/csr-srilanka.pdf> (March 18, 2009).
9. Emily Wax, "Sri Lanka's War on Several Fronts," *The Washington Post*, February 22, 2009, p. A-12, at <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/21/AR20090222101806.html> (March 18, 2009); Thomas Lun, "U.S. Foreign Aid to East and South Asia: Selected Recipients," *CRS Report for Congress*, October 8, 2008, p. 34, at http://assets.opencrs.com/rpts/RL31362_20081008.pdf (March 18, 2009).
10. Somini Sengupta, "Take Aid from China and Take a Pass on Human Rights," *The New York Times*, March 9, 2008, at <http://www.nytimes.com/2008/03/09/weekinreview/09sengupta.html?n=Top/Reference/Times%20Topics/Subjects/i/International%20Relations> (March 10, 2009).
11. Brahma Chellaney, "China Fuels Sri Lankan War," *Japan Times*, March 4, 2009, at <http://search.japantimes.co.jp/cgi-bin/eo20090304bc.html> (March 12, 2009).

Recommendations. The U.S., along with other concerned countries in the Tokyo Co-Chairs group (Japan, U.S., Norway, and the European Union) should advocate for the International Committee of the Red Cross (ICRC) to be able to screen and record each person in the camps or “welfare villages.”¹² Allowing the ICRC to record and monitor people being placed in the camps would reduce the Tamil population’s fears of human rights abuses. Additionally, the U.S. should continue to urge the Sri Lankan government to allow international aid agencies to deliver aid and supplies directly to the camps.

The U.S. and other concerned countries, such as India, should also stress to the Sri Lankan government the importance of addressing Tamil minority concerns as part of a longer-term approach to promoting reconciliation and peace in the country. If the government forces defeat the LTTE militarily, they will need to quickly take steps to promote a post-war reconciliation process that addresses Tamil grievances. The U.S. and other nations should stress that Sri Lankan government efforts to promote a reconciliation process would help shore up Sri Lanka’s international reputation and allow for resumption of assistance that was curtailed due to human rights concerns.

Toward a Unified, Prosperous, Democratic Sri Lanka. The Sri Lankan government must increase its efforts to protect civilian human rights and Tamil citizens not connected with the LTTE. It is in the U.S. interest to see Sri Lanka maintain standards of democracy and accountability, even as the country stands on the verge of militarily defeating the LTTE. An apparent disregard for human rights would damage Sri Lanka’s international reputation as well prospects for sustaining peace once the current military operation ceases.

As in many other areas of the world, in the short term, a policy sensitive to international standards of human rights opens the door to Chinese diplomatic exploitation. But time will show that it is the U.S. and its like-valued friends who have Sri Lanka’s real interests at heart. Recognition of this fact by the Sri Lankan government is essential to achieving victory over the LTTE—the kind of victory upon which a unified, prosperous, and democratic nation can be built.

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12. Jeffrey Lunstead, former U.S. Ambassador to Sri Lanka, recommended this idea in his recent testimony before a U.S. Senate Subcommittee. See Jeffrey Lunstead, “Statement on the Situation in Sri Lanka,” testimony before the Subcommittee on South and Central Asian Affairs, Foreign Relations Committee, U.S. Senate, 111th Cong., 1st Sess., February 24, 2009, at <http://foreign.senate.gov/testimony/2009/LunsteadTestimony090224p.pdf> (March 20, 2009).