

US Seeks to Eventually Partition Sri Lanka. Humanitarian R2P Intervention Contemplated

Interview with Tamara Kunanayakam

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The United States has no genuine interest in accountability or reconciliation in Sri Lanka, but is seeking a strategic military base in Asia, says Tamara Manimekhalai Kunanayakam, onetime Sri Lanka's Permanent Representative to the United Nations Office at Geneva and Sri Lanka's Ambassador to Holy See.

In a wide ranging interview with Ceylon Today, Kunanayakam said, the US would demand more concessions using the resolution as a tool and charged the UN Human Rights Commissioner as a 'US instrument' serving Washington's interests.

Kunanayakam also alleged the resolution was aimed at demonstrating Sri Lanka's alleged failures and to portray Sri Lanka as a failed State. Humanitarian Intervention under "Responsibility to Protect" (R2P) is invoked. Washington's intent is to eventually create a US military hub in Sri Lanka.

Excerpts from the interview:

By Dilrukshi Handunnetti

Q: What could be the ramifications of the US-sponsored resolution on Sri Lanka being adopted by the UNHRC?

A: We need to consider the contents of the resolution. It clearly confers powers on the United Nations High Commissioner for Human Rights to investigate, without mentioning an 'international' investigation. But, the Office of the High Commissioner is international and so the reference is to an international investigation.

It also gives three clear mandates. First is to assess progress towards accountability and reconciliation and a second – stemming from the previous resolution – to monitor national processes. The third and the new inclusion is a mandate to investigate alleged violations of human rights and related crimes.

The resolution is clear on the High Commissioner's new mandate – to conduct an international investigation here. It is not important whether it is by a commission of inquiry or one carried out by the High Commissioner. But the latter will be worse than the former. The UNHRC consists of three members and there could be some balanced position-taking as they would reflect at least three regional perspectives.

But, the High Commissioner is an instrument of the United States. The mechanism that is to

be introduced will be worse than collective UNHRC action. It would not be surprising to find the forthcoming report to be a Washington draft.

The resolution also focuses on demonstrating systemic state failure in Sri Lanka. The entire text shows Sri Lanka as a failed State, adding that the State has failed to assume responsibility for the protection of religious and ethnic minorities, to implement recommendations on domestic mechanisms, highlights consistent failure of national mechanisms including the judiciary in addressing accountability issues, failure to establish credible investigative mechanisms to the past and present violations and to hold perpetrators accountable to end impunity. The text shows continued broad range of violations, not just in the past. Finally, it emphasizes on the failure of duty to co-operate with the UN mechanism, including implementation of the High Commissioner's recommendations.

It reiterates a need for a comprehensive approach to restore confidence in the institutions of the State. The entire resolution seeks to demonstrate Sri Lanka as a failed State. This is part of the Right to Protect (R2P) logic.

Q: R2P in principle requires State parties to protect their people. How does it contribute to showcasing Sri Lanka as a failed State?

A: The UN Secretary General's August 2013 report on R2P is clear that when a government fails to protect its own citizens, an external body could replace the functions of that government. This is what the High Commissioner's Office is seeking to do - substitute itself for the government.

It is some kind of tutelage, the state of placing a country under the direction of a superior mechanism. Tutelage is clearly included in the Secretary General's report, which calls for revisiting the UN trustee system to make it more current.

Many countries were under colonial powers and their domination. The idea conveyed now is that these States were unable to take care of themselves and were immature so they need another institution to govern until they become fully dependent. The new call is to review this system and make it relevant.

This idea is espoused by US Ambassador Edward Marks, who was once the Deputy Head of Mission in Colombo and is a senior adviser to various military commands in the US. He emphasizes on the need for an international system of tutelage linked to the third pillar of R2P to exercise governmental authority over failed States as these States create enormous dangers for a large number of people. In his paper, he argues: 'Transition from colonial rule to economic and political independence in the nation State model may prove too difficult for fragile multi-ethnic countries.'

Sri Lanka is right in the middle of his definition as a 'fragile multi-ethnic society.' We are moving towards a tutelage system when the important functions of State institutions can be taken over by the High Commissioner.

Q: What are the possibilities of sanctions being imposed on Sri Lanka?

A: There is no necessity for Security Council approval to impose unilateral sanctions. If the US were to push such a position, it would mean, the US requiring more concessions from us.

The concessions, I feel, would be more of a military character. They would want a foothold in

a strategic location. The US will soon evacuate Afghanistan and would require a regional military base. Maldives has refused. They are now exploring the Sri Lankan possibility and would exert pressure to force us to concede. They don't want human rights or rights for the Tamils, but a foothold here.

It is also part of President Barak Obama's Pivot to Asia Policy 2012, which seeks to contain China and prevent a hegemonic alliance between China and India. The US wants its access and domination in the region guaranteed. This is an emerging new region and an emerging power, but though wanting a foothold, they are still without it.

Seeking domination over Sri Lanka, the US might eventually seek to partition the country. If they cannot control a regime, they would seek its replacement. The US desires a regime they can have full confidence in and full control over.

Q: As in Afghanistan?

A: Yes. But unlike there, here the idea may be partition. If we don't act and take our future into our own hands by internal democratic transformation through fundamental changes, they will seek control.

It is very clear that they will control Eelam. All the Eelam forces are out there – in the West, the UK, Norway and elsewhere. The US can bring these groups under their control as in South Sudan. They can then control that part and might even insist on a referendum.

Ultimately, it won't help India either. But Sri Lanka is not playing her cards too well. We have isolated ourselves and are losing support among friends. We have lost India's support and other allies are turning aloof.

Q: What could avert Sri Lanka from being internationally isolated in the long run and how can the island survive the UNHRC resolution?

A: There is no miracle at this stage and no magic wand. The resolution is here and we have to deal with it. There is no quick fix here.

What is disturbing is that we have lost our credibility. We therefore, need long and medium-term genuine efforts to achieve unity within and unearth the Sri Lankan identity. We need to find a solution that accords equal status to the minorities and ensure democratic transformation. We must eliminate privileges for a single group to create such equality.

The Executive Presidency poses serious problems. It creates problems in devolving power not just to the Tamil-dominant areas, but everywhere. It is not a problem affecting minorities alone. Our political parties are dysfunctional and so is our Parliament. We should review the presidential system and perhaps call for a national conference to address all connected issues, including a new Constitution, that fully embraces the values of a republic. Fundamental changes in the political institutions are necessary.

We also should reinvent economic and social policies that foster equality. To create a genuinely independent foreign policy, there should be a genuinely independent economic policy. We should focus on our domestic economy and address our external dependence. We should not only rely on Europe and North American markets for our trade. In the next decade, Africa will become a major power. There are merging powers such as Brazil, India

and South Africa. If we focus on one region for trade, an independent foreign policy also becomes unachievable.

I am of the view that Sri Lanka has some military deal with the US. We are going to be dependent on them and we will have to keep making concessions. The ruling elite will try to survive by making every possible concession, they can make and might even agree on partition.

Q: Isn't it a question of sound negotiations?

A: It should be, but Sri Lanka negotiates from a position of weakness. We don't have the full backing within or outside the country. We work bilaterally as weak countries do. The US is a dominant global power. If we are negotiating bilaterally, we are bound to lose. We should negotiate within a multilateral framework, which will give us the strength to push things through.

Q: Where do you think we have failed the most in terms of negotiations?

A: Look at the concession already made. In 2007, when Louise Arbour was the High Commissioner, only it was first proposed to introduce a monitoring mission to Sri Lanka. We defeated that move. But in 2013, monitoring by the High Commissioner has been incorporated into the UNHRC resolution. In 2013, they finally got what they wanted.

Today, we have accepted monitoring as the lesser evil. It is portrayed as the mere monitoring of domestic processes and highlights the investigating mechanism as a potential concern. But, tomorrow and thereafter, we will accept international investigations, as long as there are no sanctions. One day, we might accept sanctions and even partition, claiming it is better than bombs falling on our heads – or as opposed to military interventions.

It is the logic that the government is adopting in its negotiations that emboldens Washington. We are constantly pushed to a corner to accept what appears as the lesser evil and we continue to make concessions. They have internationally isolated us as part of this process.

Sri Lanka is being gradually isolated and during this session, what the Americans would want to see is not whether the resolution is won or not. They would count the votes in favour and the abstentions. That is to take a count on how far they could go in isolating Sri Lanka.

Q: Does the US seek a regime change through the pursuit of an isolation policy? Is it part of the agenda?

A: No. What they want is a government in place which they can control. Regime change is only a means to achieving something else and that something else is a foothold here. So, it is not regime change for the sake of regime change.

For example, if a government fully accepts the US conditions and does what they want, there won't be a need to influence a regime change. R2P is only a means to achieving that. It only legitimizes interventions from the outside. It is a new re-colonization tool.

Q: You said Sri Lanka is not playing her cards well and India in particular is unhappy with the neighbour. How do you see India voting and its overall influence on the resolution?

A: I believe Sri Lanka needs to mend its bilateral relations with India. It is extremely

important.

But, India has little choice, but to support the resolution. One can clearly identify India's hands in the draft. There is a call to strengthen the Northern Provincial Council (NPC) and the implementation of the 13th Amendment. Anything to do with devolution – that's India writing it.

India's concerns are twofold. It is caught in a bind. There is Tamil Nadu pushing the separatist argument and here, India needs to play the role US wants India to play. It is election time and the Centre has to take that into account.

On the other hand, India is extremely concerned about a US foothold in the region. India does not want that. They don't want to go too far, but they also want to appease the Tamil Nadu voters. Probably in the long-term, they feel the answer to the problem is significant power devolution. As a regional power, they also want to see agreements reached with them respected.

If extremist positions in Tamil Nadu can be quelled, as well as Sri Lanka Tamil separatist forces, the situation would be very different. Delhi will not want partition ever because it can provoke separatist forces within India. They are genuine about wanting devolution here.

Take the Provincial Council system. Nobody seems to be happy with it. There is no money and little authority. There are lots of problems with it and that is probably what India wants Sri Lanka to address.

We have this anti-Indian stance here. It only helps the American cause because we insist that India is the problem. The US is very happy with that. All those who support the US approach may adopt an anti- India line. It consolidates the US position.

When I was in office during 2011 and July 2012, we enjoyed India's complete support up until two days before the final vote. Indians would go with me everywhere, attend meetings and showed considerable solidarity in word and action. It was made very clear that they would not abandon Sri Lanka.

During bilaterals, they told us not to make it public that they would support us due to the sensitivities in Tamil Nadu. A couple of hours after the final bilateral discussion, our head of the delegation issued a public statement that India fully backed Sri Lanka. Within a matter of hours, Tamil Nadu was up in arms. Lok Sabha had adjourned. Delhi's Charge d'Affairs called me and said: "Ask those guys in the delegation that they should know where they stand. Do they want to re-impose US imperialist presence in the region or do they want to control the destiny of the country and defend Sri Lanka's national interest?" I immediately conveyed the message to the President and the Foreign Ministry.

Over dinner, it was clearly conveyed to us that it was over. The Indian Ambassador arrived and said:

"Up until a member of your delegation made a public statement, creating a problem for the Central Government, we were to support Sri Lanka. But now it has moved from the control of the External Affairs Ministry directly to the Prime Minister. It has become a political issue not a matter of foreign policy. India has a principled position and we do not vote in favour of country- specific resolutions. This has now become a political issue due to the public statement

made.”

How India responds to Sri Lanka now is something we did to ourselves. I don't know why we did it. I think there are forces that work against the interests of the country. That issue had not been resolved yet. That delegation member is still there.

Q: Reference is made in the resolution to the LLRC's implementation. It acknowledges success in several areas, but also refers to areas where progress is less than satisfactory. To move forward as well as garner international support in the future, what critical areas in the LLRC should be urgently addressed, in your opinion?

A: I said this in 2012 and I reiterate that the LLRC is important for Sri Lanka. We should move ahead with its implementation.

But it is not the main reason why the US moved the resolution. Whether the resolution is passed or not or whether the LLRC recommendations are implemented or not, the US position is unlikely to change.

In the draft resolution, there is a shift to the continued violations with references being made to Weliweriya incident and so on, to demonstrate that Sri Lanka has failed to deal with perpetrators and to remain accountable. It is an argument that supports the call to identify Sri Lanka as a failed State.

Building up on the failed State argument, it shows that another 2009 situation may arise in the future and that should be prevented. So it has shifted from the past to present and predict a future in which the High Commissioner's Office is likely to be deeply interested.

LLRC is necessary for the island to unify our people. Sooner we do that the better for us. But it is not going to change the position of the world or that of the US. What they are looking for is accountability not reconciliation, which is the third pillar of R2P.

That is where we have a problem and that where they will focus on. We should simply go ahead and implement it, because it is important for us, not to appease the international community or to defeat a US-sponsored resolution. There are countries still grappling with reconciliation and accountability issues such as South Africa and Latin American nations. But no, they do not browbeat them because it is not their current interest.

They have strategic interest in entering this region and Asia has become the centre of action for the US. We should remove any pretext they have and demonstrate our willingness to work with the rest of the world and stand by countries that value our support.

We need long-term co-operation from others such as Africa, Latin America and Asia. It depends on the relationships we build with them. There should be economic and technological exchange. We need to stand by the developing countries and defend multilateralism against US unilateralism. That will help us internationally and not this political patchwork within Sri Lanka.

Take our mistakes. Iran is a country that supports us but is very upset with us. To appease the US, we stopped buying petrol from Iran when US imposed unilateral sanctions.

Iran was ready to sell fuel on rupees not US\$. We don't stand by these countries against

unilateralism and we lack a foreign policy that is independent and fair.

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