

STATEMENT FOR THE
SENATE FOREIGN RELATIONS COMMITTEE
SUBCOMMITTEE ON SOUTH AND CENTRAL ASIAN AFFAIRS
HEARING ON THE SITUATION IN SRI LANKA
FEBRUARY 24, 2009

Thank you for inviting me to speak on Sri Lanka today. Sri Lanka is at a turning point in its history, and decisions taken now could determine whether the country will be able to put its troubled past behind and begin a new era of peace and prosperity. If Sri Lanka's leaders and people fail to take advantage of this opportunity, they risk a continuation of the violence that has long plagued the island.

I served as the United States Ambassador to Sri Lanka from mid-2003 until mid-2006, a time when a ceasefire was in effect between the Government and the Liberation Tigers of Tamil Eelam (the LTTE), and Sri Lankans and their friends hoped for a political solution to the ethnic conflict. The U.S. and much of the international community strongly supported that peace process. Unfortunately, the

process collapsed, for a variety of reasons. The LTTE withdrew from the political negotiations at an early point and consistently violated the ceasefire. Sri Lanka's political leaders were divided and seemed to spend more time tearing each other down than seeking a way forward on peace.

It appears that the LTTE decided to return to war, perhaps hoping to gain ground and return to the negotiations in a stronger position. That was a fatal miscalculation. The LTTE manipulated the 2005 Sri Lankan Presidential election to ensure the victory of President Rajapakse, then immediately after his victory began serious violations of the ceasefire agreement. After a period of restraint, the Government responded and ended the ceasefire. Much to the surprise of most observers, the Government forces made significant progress and now appear about to eliminate the LTTE as a conventional fighting force--although the LTTE will certainly retain a capability to conduct guerrilla operations.

It is this situation which presents both an opportunity and a challenge. One short-term and two long-term issues must be addressed.

In the short-term, as the fighting intensified and the area held by the LTTE diminished, the toll on civilians trapped between the two forces increased. Both the LTTE and the Government have shown a callous disregard for civilians. There is a desperate need for food and medical care. Both sides have fired into civilian areas. The LTTE has forced children as young as 14 into its ranks, and fired upon civilians trying to cross into Government-controlled territory. Tamil civilians who managed to flee the conflict area have been forced into camps by the Government.

This situation must be dealt with on an emergency basis. The Government has an obligation to protect its own citizens. It must do better at preventing collateral damage to civilians in its military campaign, and ensure that food and medical care reach them. Conditions in the camps are abysmal, and must be improved. After initial resistance, the Government is now allowing UN and other international

and local agencies into the camps. This is an important step. The Government must also allow a competent outside agency, such as the ICRC, to be present when it screens those entering the camps, and to establish a record of those who are detained. Tamils have a real, and legitimate, fear that those taken off by Government forces will be abused and may never be seen again.

The first long-term issue is dealing with the need for political change. Sri Lanka's Tamils have legitimate grievances which need to be addressed. Sri Lanka's political system, which centralizes power in Colombo, needs to be changed to devolve power to local areas. This will allow Tamils--and indeed all Sri Lankans--to have a greater say in how they are governed and how they lead their lives. President Rajapakse now enjoys great political support, and is expected to gain even greater power if he calls an election. He will have an opportunity to use this support to make the necessary Constitutional changes.

The second long-term issue is wider than the ethnic conflict. It is the growing assault on dissent, which takes place in a culture of complete impunity. Sri Lanka has

maintained its democracy, despite some rough patches, for over 60 years since independence. The recent murder of prominent newspaper editor Lasantha Wickematumga was but the latest in a series of incidents. Tamils and Sinhalese suffer alike from these attacks on basic freedoms. Many Tamils have been abducted and have simply disappeared, as documented in the State Department's Human Rights Report. It is sad to say, but it is almost a certainty that these attacks have been carried out by elements of the Government. Impunity seems total. No one has been prosecuted for any of these incidents, and no member of the security forces has been prosecuted for any abuses. Past efforts to break the culture of impunity have failed. For instance, the Government in 2007 invited the international community to set up an "International Independent Group of Eminent Persons" (the IIGEP) to observe the work of a Government Commission of Inquiry into a number of human rights abuses, including the murder of aid workers. The IIGEP terminated its mission in 2008, reporting that it had encountered an "atmosphere of confrontation" and an "absence of will on the part of the Government of Sri Lanka...to investigate cases with vigor, where the conduct of its own forces has been called into question." In January

my five predecessors as U.S. Ambassador to Sri Lanka and I sent a joint letter to President Rajapakse expressing our dismay at the attack on Wickrematunga and other incidents. A copy of our letter is attached.

I have focused on the role of the Government in this statement, but not because the abuses by the LTTE are less. The LTTE has shown a remarkable brutality and willingness to murder anyone, Tamil or Sinhalese, who dares to disagree with it. If the LTTE had seriously pursued the peace process from 2001 onwards, the situation might be vastly different, and better, today. But the Government should be held to a higher standard. It claims membership in the international community, and therefore must meet international norms.

The Government now faces a choice. It can fail to treat its Tamil citizens properly, fail to engage seriously in political reform, and continue to allow human rights to be violated and dissent to be threatened. If so, unrest will continue, violence will certainly recur, and the promising future which has always seemed just out of reach will recede even further. Or it can act immediately to show

its Tamil citizens that they are valued as highly as every other Sri Lankan. It can make the dramatic changes that will give better governance to all Sri Lankans, and set a standard for responsibility and accountability which will diminish human rights violations and strengthen democracy. The decisions made now will affect the island, for better or worse, for decades to come.

What can the U.S. and others do? The U.S. military relationship with Sri Lanka is almost nil, with military assistance terminated. U.S. development assistance is relatively small. However, Sri Lanka will require massive assistance to rebuild war-devastated areas and to meet Sri Lanka's other development needs. The U.S. could join with other donors, both bilateral -- Japan, the EU, and others -- and multilateral, including the World Bank and the Asian Development Bank. A powerful and united donors group could insist that development assistance will flow only if strict conditions are met. These could include genuine devolution of power, quick resettlement of displaced persons, and a clear improvement in the human rights situation. The U.S. should also seek close coordination with India, Sri Lanka's close and large neighbor. With its own large Tamil

population, India has a significant stake in the outcome in Sri Lanka.

With long experience in these matters, I will not pretend that meaningful donor coordination and aid conditionality are easy to accomplish. They are easy to propose but fiendishly difficult to do. If the U.S. and other donors made World Bank and ADB loans conditional on these changes, and if Japan, Sri Lanka's largest bilateral donor, conditioned its own assistance, Sri Lanka's friends could have a major impact. Without such changes, the prospect is for an inevitable recurrence of the ethnic conflict.

January 19, 2009

His Excellency Mahinda Rajapakse
President of the Democratic Socialist
Republic of Sri Lanka

Dear Mister President:

We are all former United States Ambassadors to Sri Lanka, but we are writing in our personal capacities. Our service in Sri Lanka stretches for over 15 years, and we have seen good times and hard times in the country. We all have great respect and affection for Sri Lanka and its people. We have known you at different points in your career, and we all acknowledge your love for your country and your desire to see it at peace. We have all, at different times and in different ways, made it clear that we believed the goals and tactics of the Liberation Tigers of Tamil Eelam were unacceptable, and that the Government of Sri Lanka was engaged in a difficult but necessary fight against terrorism. We have all supported and argued for United States assistance to Sri Lanka in that struggle.

It is for all of these reasons that we are now so upset by developments in Sri Lanka, the most recent of which was the murder of *Sunday Leader* editor Lasantha Wickrematunga. We fear that, even as Sri Lanka is enjoying military progress against the LTTE, the foundations of democracy in the country are under assault. The killing of Mr. Wickrematunga has prompted this letter, but there have been many previous incidents in which the rights of individuals and the media have been violated.

Mr. President, we speak frankly because in our dealings with you we have always found you to have an open mind and to respect the truth. Some have suggested that these events have been carried out not by elements of the Government, but by other forces hoping to embarrass the Government. We do not find such arguments credible. We are familiar with your history as a defender of those whose rights were threatened by the Government. We assume, therefore, that if Government forces are carrying out these acts, they are acting without your permission and knowledge. We believe it is imperative that these actions stop, and that those who have carried them out be prosecuted.

Fighting an unconventional war against a terrorist enemy is a difficult task, and the sad truth is that it almost always results in some brutal and illegal acts. This is as true of our country as it is of Sri Lanka. The important thing is that the country's leadership not condone these acts, and that an atmosphere is set from the top that they will not be accepted, and that those who commit them will be held to account.

We urge you to take steps to reestablish accountability and the rule of law in Sri Lanka. Investigations have been promised before but have been futile. At times Government officials have not appeared diligent, as happened in the investigation of the killing of NGO workers assisted by the International Eminent Persons Group. It is crucial that an investigation now not follow that same fruitless path. It must also be made clear to members of the security forces that discipline will be enforced and violators will be brought to justice. Only you can provide the leadership and clear direction that will make this happen. We have seen before the positive results that such leadership can have, for example, when the decision to issue receipts for all detained persons dramatically reduced the number of disappearances.

Sri Lanka has gone through difficult times, but its democratic system has always persevered. Neither the LTTE nor assaults by other radical forces have been able to destroy it. It would be a tragedy if it were destroyed now, not from without, but from within.

We intend to make this letter public after you have received it.

With our personal best wishes, we remain,

Yours sincerely,

Marion Creekmore
United States Ambassador to Sri Lanka
1989-92

Teresita Schaffer
United States Ambassador to Sri Lanka

1992-95

A. Peter Burleigh
United States Ambassador to Sri Lanka
1995-97

Shaun Donnelly
United States Ambassador to Sri Lanka
1997-2000

Ashley Wills
United States Ambassador to Sri Lanka
2000-03

Jeffrey Lunstead
United States Ambassador to Sri Lanka
2003-06