North–South relations and human rights

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Abstract

There are apparent differences between the developed North and the economically weak South. The relations between the North and South are marked by dichotomies and in order to deal with the challenges posed by the South, the North choses control and cooperation. The North uses several instruments including economic assistance to achieve its objectives. One of the new tools that is increasingly taken advantage of is human rights. Although there exists a genuine concern about human rights standards in the South, action on these issues almost always depends on national interest of the states in the North. This paradigm is proved true by the present human rights campaign the United States is undertaking against Sri Lanka in the United Nations Human Rights Council. The US and its Western allies believe that serious human rights violations have been committed during the last phase of the war in Sri Lanka. Promoting accountability and insisting on an international investigation, the US has successfully presented three resolutions on Sri Lanka since 2012. This paper argues that the US action is motivated primarily by its national interest. At the secondary level the US is interested in curtailing what is called the Sri Lanka model of conflict resolution and promoting reconciliation.

Introduction

Sri Lanka's ethnic war between the Liberation Tigers of Tamil Eelam (LTTE) and the armed forces of the state needs no introduction. It was one of the most prominent and well-studied ethnic conflicts of the last century. Following the ethnic riots of 1983 where the minority ethnic Tamils were attacked and brutalized, the international community evolved sympathetic to the political cause of the Tamils, despite the fact that overt support for a separate state, the fundamental demand of the Tamils in Sri Lanka, was lacking. As the LTTE's reliance on violence to win its political demands intensified, the international community, especially the West, began to see the rebels as terrorists. Sri Lanka demanded proscription of the LTTE as a terrorist organization and many states including the United States complied. Antipathy towards the Tamil struggle and the LTTE deepened with the collapse of the peace process in 2006. The LTTE, not without reason, was seen as the primary source of the breakdown of the peace talks. Most of the Northern states turned friendly towards the Sri Lankan state and began to assist its military campaign against the LTTE in the belief that termination of the LTTE would lead to peace and reconciliation. With the able support and approval of many of the states both in the Global North and the South, the Sri Lankan government successfully crushed the LTTE in 2009 bringing the violent phase of the conflict to a conclusion. The international community was jubilant and approved a resolution in the United Nations in

2009 commending Sri Lanka for terminating terrorism and protecting and promoting human rights.

However, the jubilation did not last long. Some of the Northern states turned hostile towards Sri Lanka based on reports of serious human rights violations allegedly committed by the state armed forces and so far, three resolutions have been successfully introduced in the UN Human Rights Council (UNHRC) promoting accountability, through an international investigation, which is seen by Sri Lanka as an assault on its sovereignty. This paper raises the question, why the United States, which assisted Sri Lanka during the final stages of the war, currently leads a campaign in the UNHRC against the country. The question has been examined through the lenses of North-South relations and the role of human rights on this relation. In addition to secondary data, primary information was collected from journalists and political figures who attend the annual UNHRC sittings in Geneva since 2012.

Literature on the nexus between foreign policies of the North and human rights clearly demonstrates that the North has a tendency to use human rights as a political tool. Although there has been a genuine concern about human rights in the South, one cannot underestimate the interconnection between human rights slogans of the North and their national security and or interest. This paper argues that the United States led the campaign against Sri Lanka in the UNHRC primarily based on its strategic and national interest considerations. The following section on North-South relations argues that the North traditionally used different tools including monetary aid to preserve the hegemonic relations with the South and currently human rights have become one of the new weapons in the arsenal. The next section on human rights deals with the way ideals of human rights have been incorporated into the foreign policies of leading members of the North and the nexus between human rights slogans and national interest. The rest of the paper explores the Sri Lankan human rights issue in the UNHRC and the motives behind the American involvement.

North-South relations and dichotomies

Despite the refusal of some commentators to believe that a "divide" exists between the South and the North, a vast majority of analysts and researchers agree that following the evaporation of clashes between the East and the West, South – North relations are at a turning point (European Communities 1998). There has been a general agreement that North and South are different in nature and characteristics and the relations between the North and the South are being marred, overtly and subtly, by disagreements and tension at least on some of the critical international issues. There has always been a disparity between the states of the North and the South largely due to colonial past and nature and structure of the international system established after the end of the Second World War. Lees (2012) for example, argues that these inequalities are caused by what he calls "deep structure" of the international system (p. 209). Some of the states in the Global South are currently emerging as powerful international entities and are beginning to possess capacity to challenge the predominance of the Northern states in the international system. China, India and Brazil are some of the cases in point (Mickelson 2009). This certainly is one reason why relations between the North and South are becoming intense and the Global South is beginning to capture the attention of powerful states and international commentators.

Notwithstanding the growing significance of the Global South in international affairs, defining the North and South precisely has not been an easy task. The nomenclature indicates that these are geographical entities. As McDougall (2011) points out, "Global South is more geographically based, referring to the position of Africa, Asia and Latin America" (p. 361). Arguing that North-South categorization lacks a high level of homogeneity, Reuveny and Thompson (2007) point out "the dichotomy works as long as no one assumes a high degree of homogeneity in the two zones. If one places the North Pole at the top of one's globe, most less developed states are located in the south of most of the more developed and affluent states" (p. 557). However, as McDougall (2011) rightly indicates, theorizing the South as a geographical entity "requires qualification in relation to the location of Australia and New Zealand" as they lack the characteristics of typical states of the South (p. 362). One of the defining features of the South, according to McDougall (2011, 362) is low to middle per capita income of these countries. Australia and New Zealand for example are not low or middle income countries. It is therefore clear that North and South cannot be defined merely by geography alone.

North and South are essentially socio-political and economic entities. Therefore, they are increasingly being defined by their development status. Horowitz (1996) for example, called the North, "industrialized" and wealthy and the South, "under-developed" (Horowitz 1996, 3). He argued that "there is a marked divergence in economic conditions and standards of living between the industrialized and the less developed countries of the world" (p. 3). Pointing to the divergence within these categories Mickelson (2009) argues that "while there have always been problems with seeing the Global South as some kind of monolith, it is certainly possible to argue that it no longer makes any sense to speak of 'the south' when countries like China, India and Brazil appear to be in a completely different category and therefore, need to be treated in a different way" (p. 418). Defining the North-South divide in terms of economic development has led to the conception that the South is inherently problematic and entails several weaknesses. According to Maggie Black (2007), countries needing development have several shortcomings (Quoted in Weiss 2009, p. 272). Calling North the "well-off" and the South "less well-off" and "poor and malnourished", Reuveny and Thompson (2007) point out that the North sees several problems in regards to the South. They contend that "there are, of course, all sorts of concerns" but the main issues involve violent conflicts, need for external intervention, nuclear proliferation, migration pressures, infectious disease, environmental degradation, global warming, and over-population (Reuveny and Thompson 2007: 558). It is imperative to note that the above list is symptomatic of some of the negative stereotype that exists within the North about the South, which is also a part of the dichotomy.

In addition to the problem the North sees in the South and the fact that some of the states of the South are emerging as key international players with considerable clout creates added pressure on the North. This problem is no more evident than in climate change politics and negotiations. As Hurrell and Sengupta (2012) point out "…the story of the Copenhagen climate conference in December 2009 has been used as a vignette to capture this power shift, with the BASIC group of countries (Brazil, South Africa, India and China) sidelining Europe in climate change negotiations and forcing the United States to negotiate within a very different institutional context. Moreover, if emerging powers are seen as increasingly influential and important players, their rise is also commonly viewed as having made an already difficult problem still more intractable" (p. 463).

According to Hurrell and Sengupta (2012), the rise of Southern states is seen as problematic because, first, the rising powers will seek to alter the status quo. Second, they challenge the Western understanding of legitimacy, fairness, and responsibility. Third, "emerging powers are a problem not just because of their high growth rates and rapid development but also because of the increasingly central role that they are playing within a global capital system" (p. 465). According to Ibrahim Elnur (2003), the gap between the North and South is still widening, not narrowing.

These realities unavoidably create inconsistencies and tension between the North and the South leading to serious disagreements on a multitude of issues. For example, as Jacob and Linner (2005) maintain, "one of the persistent trends of major international environmental negotiations...has been the emergence of irreconcilable differences between the North and South" (p. 403). The North and the South disagree on a range of issues from cause of global warming to climate change policy to terrorism. This doesn't mean that they could act independently as they are in a way interdependent on each other (European Communities 1998). The terms of the relationship, or the agenda, so to speak, is set by the North or the powerful Western states. The North chose control of and or cooperation with, states of the South in order to deal with the challenges posed by the South and to achieve their national interest. Development aid, military pressure, and diplomatic interventions are some of the traditional tools used to ensure powerful states' interest vis-à-vis the South (Ayoob 2007; Haider 2011). Since the recent past however, the North is beginning to take advantage of new tools. Bessa (2009) for instance, argues that the North has currently redefined resettlement of refugees "as an exclusive protection tool and instrument of international cooperation" (p. 91). Another newly emerged or emerging instrument certainly is human rights as the West is increasingly using human rights as a foreign policy tool.

Human rights and foreign policy

Traces of the link between foreign policy of major states and human rights could be found in the political history of Europe a few centuries ago. Yet, the nexus between these two subjects became prominent since the mid-seventies and the early eighties. The West, especially the United States of America and the United Kingdom, obviously led the campaign for greater human rights standards in the Third World countries or the South since this period. Forsythe (2002) confirms that human rights became a "fixture" on the US foreign policy and international agenda since the mid-1970s (p. 501). Robin Cook (2002), former Member of Parliament of the United Kingdom, in a commentary claimed that "on taking office as Foreign Secretary in 1977, I placed the promotion and protection of human rights at the heart of the new Labor government's foreign policy" (p. 45). Other European countries also currently pay particular attention to human rights and have incorporated ideals of human rights into their domestic policies as well as their relations with other countries.

President Jimmy Carter was instrumental in turning the US foreign policy firmly towards human rights and democracy in what the North considers problematic areas. As pointed out by Schmitz and Walker (2004), "from the first day of his presidency, Jimmy Carter set out to fundamentally alter the direction of American foreign policy. Coming to office in the wake of the disillusionment brought about by the Vietnam War, Watergate, and the Senate Select Committee on Intelligence (Church Committee) revelations on

Central Intelligence Agency (CIA) covert activities abroad, Carter promised a new direction to American foreign policy by shaping it around the principles of human rights and nonintervention" (p. 113). In 1977 the Carter administration developed a comprehensive policy framework that made human rights the central component of the American foreign policy (Schmitz and Walker 2004). Yet, even Carter could not promote human rights at the expense of national interest and his own political survival. It is imperative to note that Carter's foreign policy was criticized especially in the United States as weak and naïve. Implying that security and national interest are fundamental, Carter in 1977 declared that "human rights cannot be the only goal of our foreign policy, not in a world in which peace is literally a matter of survival" (Quoted in Forsythe 1980, 38).

This however, did not mean that America gave up on its human rights centered foreign policy entirely, as it is one of the corner stones of American foreign policy now (Forsythe 2002). A firm commitment however to what is generally called the "ethical foreign policy" is missing. It is pointed out that "while the United States has long embraced human rights and democracy as ideological values, in times of conflict such values may be eclipsed by the demand of security" (Blanton 2005, 649). For example, "the Carter administration has directed more diplomacy to criticizing the Soviet violations of human rights than the Chinese violations" because "the United States had important security interests with the Soviet (Union)…and far more economic interests in Russia than in China" during the Cold War (Forsythe 1980, 43). During the Cold War the United States also extended military and financial support, which also included transfer of weapons to regimes with questionable human rights records and authoritarian tendencies if they were useful instruments to counter security threat from the Soviet Union (Blanton 2005). Nevertheless, human rights slogans were also used against the Soviet Union as a useful tool. The Western powers "saw human rights issues as a stick with which to beat the Soviet Union to lessen its appeal to their own citizens and thus curb its influence. Like all Wars of attrition, superpower competition during the Cold War was based not only on establishing military, economic, territorial and political supremacy over the enemy but was also delegitimizing the adversary's political system by assuming the moral high ground" (Pedaliu 2007, 186).

Many of the European states have also committed to better human rights standards around the world and inclined to use human rights as a foreign policy tool. Member states of the European Community, through the Copenhagen Declaration proclaimed their determination to "defend" the principles of representative democracy, rule of law, social justice and human rights (King 1999). It is generally believed that the European countries are more proactive and genuine in terms of ensuring a vibrant HR culture in the South, compared to for example, the United States. However, even these countries could not delink human rights concerns from their own national interest considerations. For example, European commitment to human rights came under severe threat during the political troubles in Greece in the late 1960s. A military junta came to power through a coup and relied on repression to stay in power. Commentators pointed out that the "Western European Governments uncomfortably and silently acknowledged that the Cold War and the stability of the South-Eastern flank of NATO had to take precedence over the violation of the democratic process in Greece and decided to treat the whole messy situation as an internal matter" (Pedaliu 2007, 189).

The United Kingdom, another European human rights champion of the Third World countries, could not or was not willing to criticize some of its allies. Evan Luard, a former Member of Parliament from Oxford who served as a junior minister in the Foreign and Commonwealth Office, believed that the Labor Government which espoused active human rights promotion "found that Britain's close economic investments with South Africa sometimes constrained it to be cautious towards proposals for international action against that country which might involve economic sanctions" (Luard 1980, 581). Pointing to the ambiguity of human rights policies of European states, Forsythe (2002) argues that France, "while presenting itself to the world as a champion of The Rights of Man and submitting its own policies to the review of the European Court on Human Rights, has compiled a rather lengthy record of support for dictatorship in Africa" (p. 501).

Australia, another member of the Global North, hardly defended human rights in the South largely due to its location in the South and the realities created by geopolitics. Summing up Australia's commitment to human rights internationally, Saul (2011) contends "unlike that of its close ally, the United States, Australian foreign policy since 1945 has never been animated by an equivalent sense of civilizing moral mission and ideological purpose in the area of human rights" (p. 423). For example, Australia recognized the Indonesian occupation of East Timor, adopted unreserved friendly relations with Israel despite its problematic conduct in the occupied territories of Palestine, and desisted from criticizing China. Australia is keen to preserve cordial relations and a partnership with China despite its questionable human rights record due to China's strategic and economic significance (Mackerras 2000). Another example is Australia's relations with Myanmar. According to McGregore (2005), Australian "governments refrained from publicly criticizing Burma, for example on being governed by an unelected military regime, on the large number of political prisoners, media censorship or the ongoing violent civil wars with ethnic minorities" (p. 199). Even on the allegations of human rights violation during the last phase of the war in Sri Lanka, Australia opposed an international investigation against Sri Lanka due to its need to prevent what is generally termed the "boat people", some of whom were ethnic Tamil, reaching Australia from Sri Lanka.

Hence, a cursory look at the literature on the linkage between foreign policies of the states of the North and human rights leads us to conclude that (1) there exists an ethically and morally based concern about the state of human rights in the less developed world among most of the Western world, and (2) action on this issue almost always has been linked to their national security and interest. This linkage has three dimensions: (1) at times, human rights were used as a weapon against enemy or unfriendly states in order to achieve national interest of the states of the North, (2) states of the North resisted the temptation to condemn and or criticize human rights violations in the South when they had the potential to impede their national interest, and (3) human rights slogans turn louder when the impact on their national interest is absent or milder. Currently, the United States is using HR as a tool against Sri Lanka in order to achieve its strategic interests in the South Asian and the Indian Ocean regions, while, at the secondary level, trying to promote international peace and order and the socio-political wellbeing of the minority communities in this country.

Post-war Sri Lanka in the UNHRC

As pointed out elsewhere in this essay, in May 2009, the UNHRC passed a resolution commending Sri Lanka for successfully terminating terrorism. It is imperative to note that this resolution was a result of what could be termed a coup of sorts by states of the South, which were also friends of Sri Lanka. Although an international euphoria and jubilation was created by the end of the war, human rights concerns were also raised almost at the same time by international human rights lobbies. Consequently, some of the European countries sponsored a resolution on Sri Lanka, which called for an internal investigation into possible war crimes. The original draft resolution however did not have adequate backing within the Council and the Sri Lankan lobby wasted no time in presenting its own counter resolution titled *Assistance to Sri Lanka in the Promotion and Protection of Human Rights*, which was adopted with the approval of 29 states, none of which were part of the North; they all came from the Global South. These countries held the view that the Council should not interfere in the internal matters of member states and human rights should not be used as a political tool against any of the member states. The matter of the fact is that these countries, unlike the West, never considered human rights as an important element of foreign policy formulation. Of significance is the fact that the North-South rivalry on the question of human rights unfolded in Geneva with most of the Northern states taking a critical view and the Global South defending Sri Lanka. In a way this rivalry still continues.

One could argue that in 2009, the Northern states were thoroughly defeated by some of the leading members of the Global South, including China, India and Pakistan. The defeat of the West-sponsored resolution was seen by human rights advocates and concerned states as a setback for the wellbeing of the war affected people in Sri Lanka and those who were in what was popularly called the "welfare camps", where about 300,000 Tamil people were interned. A noteworthy fact is that the United States did not play a visible role in the 2009 original resolution against Sri Lanka and it was the European states including Switzerland, Germany, and the United Kingdom that were in the forefront. One reason why the US did not play a noticeable role was that the US was in fact assisting Sri Lanka's military campaign against the LTTE during the last phase of the war. According to Jeffrey Lunstead (2011), a former US ambassador to Sri Lanka, the US began to undertake concrete measures against the LTTE, especially against its international network since the collapse of the peace process in 2006. For instance, a number of LTTE international operatives were arrested for various offences linked to assisting the rebels. Lunstead (2011) pointed out that "although the LTTE had been designated as an FTO (Foreign Terrorist Organization) in 1997, making material support for it illegal, there were no legal actions against LTTE supporters until 2006" (p. 67) The US also extended considerable military assistance to Sri Lanka during this period to boost its military campaign.

Therefore, the US, in the immediate aftermath of the end of the war in 2009, was not in a position to vehemently criticize or take action against Sri Lanka. As the international outcry against Sri Lanka intensified and under pressure from the human rights lobby, the UN began to show interest in the human rights violation related issues in Sri Lanka. Ban Ki-moon, the Secretary General of the UN, announced the appointment of a three member group of experts to investigate the alleged human rights violations and advise him on accountability issues in June 2010. The panel report titled *Report of the Secretary – General's Panel of Experts on Accountability in*

Sri Lanka was released in March 2011. Finding the allegation against Sri Lanka and the Tamil rebels credible, the panel concluded that

> The Panel's determination of credible allegations reveals a very different version of the final stages of the war than that maintained to this day by the Government of Sri Lanka. The Government says it pursued a 'humanitarian rescue operation' with a policy of 'zero civilian casualties.' In stark contrast, the Panel found credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law were committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity. Indeed, the conduct of the war represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace (United Nations 2011, ii).

The panel recommended the establishment of an "independent international mechanism", among other objectives, to "conduct investigations independently into the alleged violations" (p. viii).

This report and especially the recommendation for an international investigation formed the cornerstone of the future human rights campaign by the United States and some of its allies against Sri Lanka in the UNHRC. The United States argued that accountability established through a credible, preferably an international investigation, will facilitate ethnic reconciliation. Based on this notion, the US has sponsored and managed to adopt three resolutions on Sri Lanka since 2012. It seems that Sri Lanka and the US are currently engaged in a serious diplomatic scuffle in the UN Human Rights Council in Geneva. The first resolution of 2012 called "upon the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission (LLRC) and to take all necessary additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans."[a] The 2013 resolution called upon the Government of Sri Lanka to "conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable." Based on the assumption that Sri Lanka has not made adequate progress in addressing accountability issues and promoting reconciliation, the US-sponsored March 2014 resolution, while repeating the call for credible investigation by Sri Lanka, requested the Office of the High Commissioner to "undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders."

Now, since the Office of the High Commissioner (OHC) has been asked to investigate Sri Lanka, a team headed by international experts has already been appointed by the High Commissioner for Human Rights and it has commenced work. Sri Lanka, however, since the inception, refused to cooperate with any mechanism aimed at an international investigation, although it has demonstrated some degree of flexibility with regards to a

domestic investigation. It has already declared that any team appointed by the OHC will not be allowed into Sri Lanka. Therefore, one can expect the tussle between Sri Lanka and the United States on this issue to continue for a while.

The pertinent question here is why the US, which backed the Sri Lankan government on its war efforts, now criticizes Sri Lanka on alleged human rights violations and undertakes a relatively robust campaign against its one-time ally. Elsewhere in this paper we have argued that there exists an ethically and morally-based concern about the state of human rights in the less developed world among most of the Northern world, and an action on this issue almost always is linked to national security and interest of the powerful states. National security and interest take precedence over any other concerns. The fundamental reason why the US is carrying forward a robust campaign against Sri Lanka is linked to the American strategic interest in the Indian Ocean region and South Asia. At the secondary level, the US is motivated by concerns about international peace and ethnic reconciliation in Sri Lanka. However, the question what changed is vital. The shift in the American attitude was closely linked to two major post war developments within Sri Lanka, which the US did not anticipate or desire. First, in the post war period, Sri Lanka leaned drastically towards China, marginalizing traditional allies like the US and some of the European states the country. The pro-Chinese tendencies of the Sri Lankan government are such, opposition parties have begun to claim that Sri Lanka has become a colony of China. Second, when the US extended military support to the Sri Lankan government during the last phase of the war, it expected the Sri Lankan government to introduce political measures to address the legitimate issues of the Tamil community. It believed that the Sri Lankan government would devolve political powers to the North-East provinces and work towards ethnic reconciliation. The Sri Lankan government however did not demonstrate any interest in devolving powers as it believed that the conflict had been resolved with the decimation of the LTTE. What disappointed the US the most was that there has been a process of consolidation of majority rule, which only helped to further polarize ethnic communities. These two factors are critical in understanding the change of the US policy towards Sri Lanka. The following sections of this essay discuss three motivating factors behind the American action and agenda.

Strategic interest

A number of commentators erroneously subscribe to the notion that the US has very limited strategic interest in Sri Lanka. Jeffrey Lunstead (2011) for example points out that "the degree of engagement and commitment of US attention to the Sri Lankan peace process since it began in late 2001 has been out of proportion to US interest in Sri Lanka, where the US has no significant strategic interests….US military interest in Sri Lanka is minimal" (p. 54). The problem with this approach is that it looks at Sri Lanka's significance to the US in isolation. Sri Lanka is not only a South Asian state but also located in a strategically significant space in the Indian Ocean. That is why this research argues that American strategic interest in Sri Lanka should be examined through its policies and purposes both in South Asia as a region and the Indian Ocean.

South Asia for a long time remained marginal in the US foreign policy schemes (Kreisberg 1989). Summarizing the state of affairs, Grinter (1993) argued "the United States does not have vital interests in South Asia. Unlike American interests in the Persian Gulf, the Caribbean, or in East Asia, where oil, geographic proximity, or enormous trade

define US interests, South Asia does not possess the resources, location, or markets vital to the United States. The United States, however, can and should place more attention on South Asia because of its huge size, its location between the oil rich Persian Gulf and the dynamic East Asia region, and the fact that both Pakistan and India appear to have nuclear weapons and ballistic missiles" (p. 101). For the reasons indicated by Grinter, the US seems to be paying more attention to South Asia currently. The US Assistant Secretary of State for South Asia Christina Rocca, in 2005 contended that "President Bush came to office in 2001 recognizing the growing importance of South Asia to the United States. He directed that the United States build stronger relationships with all of the countries in the region" (Rocca 2005, 99). The US Under Secretary of State for Political Affairs Nicholas Burns in 2006 declared that "South Asia is now a central focus of US foreign policy. For the first time in decades the United States views this region as increasingly vital to our core foreign policy interests" (Burns 2007, 115).

It is however, erroneous to assume that until recently the US did not pay attention to the region. The US maintained contact with major powers in the region including India, and tried to keep Pakistan under its sphere of influence through diplomatic as well as monetary means and it was also involved in major developments in the region. For instance, during the Indo-Pakistan war over Bangladesh, the US sent a fleet of war ships, the Seventh Fleet, led by its Aircraft Carrier USS Enterprise in support of Pakistan. The point is despite the limited US strategic interest in South Asia, the US strived to preserve what is generally called "primacy" in the region (Mohan 2008). The US not only was keen to maintain primacy in South Asia but also in the India Ocean region. Holmes and Yoshihara (2008) in an essay titled *China and the United States in the Indian Ocean*, maintain that "lingering questions over the sustainability of *American primacy* (emphasis added) on high seas have heightened concerns about the US Navy's ability to guarantee maritime stability" in the Indian Ocean (p. 41). Green and Shearer (2012) argued that the Indian Ocean should figure high on the US strategic priority list due to (1) the need to "maintain the Indian Ocean as a secure highway for international commerce, particularly between the oil-rich Gulf States and an economically dynamic East Asia", (2) the need "to maintain freedom of navigation through the strategic chokepoints of the Indian Ocean highway", and (3) the fact that the Ocean could become an arena for competition between India and China (p. 178-9).

Sri Lanka is located in a strategically significant place in the maritime lane between the Middle East and East Asia. Therefore, the US has an interest and presence in Sri Lanka. In fact one could argue that the US maintained "primacy" in Sri Lanka since its independence in 1948. The US was one of the major donors to the country until very recently and still maintains a broadcasting facility (Voice of America) in Sri Lanka. Sri Lanka was also keen to preserve close and cordial relations with the remaining super power. One of the consequences of the end of the war was that China's presence and influence grew rapidly in Sri Lanka, which has the potential to undermine the US presence and influence in Sri Lanka and the region. The ever increasing Chinese presence in Sri Lanka is part of China's buildup in South Asia and the Indian Ocean region Keethaponcalan (2015).[b] The end of the war enabled the Sri Lankan government to adopt a profoundly pro-Chinese foreign policy, which worries the US. Raja Mohan (2008) maintains that "American primacy on the Subcontinent is in danger of being compromised by the steady expansion of Chinese influence in the region" (p. 58).

Sri Lanka serves as the gateway for China to strengthen its presence in South Asia and the Indian Ocean region. It is safe to argue that the US indeed has already lost its primacy in Sri Lanka. Without the UN resolution, the super power does not have any say in the affairs of the small South Asian state. Therefore, through the UNHRC process, the US is trying to stay relevant in Sri Lanka, which is crucial to preserve its primacy in the Indian Ocean region and South Asia.

Sri Lankan model of conflict resolution

At the secondary level the US is keen to prevent Sri Lanka from becoming a model for conflict resolution in terms of internal armed conflicts because it believes that Sri Lanka, by the way it terminated the war, set a bad example. With the successful elimination of the LTTE, which hitherto was believed undefeatable militarily, the government of Sri Lanka and its leadership including the President began to believe and argue that Sri Lanka has provided a model for the world on how to effectively defeat terrorism. President Mahinda Rajapaksa, in his address to the Parliament immediately after the military victory, declared that "Sri Lanka has now given a beginning to the ending of terrorism in the world."[c] The belief that Sri Lanka, with the elimination of the LTTE, has given the world a "gift" ran deep within the Sinhala polity. For example, Mahinda Amaraweera, a junior minister in the government in a media interview proclaimed, the "President showed the world how to defeat terrorism."[d] What is imperative to note is that the idea of a Sri Lankan model of conflict resolution, i.e. how to defeat internal armed resistance successfully, was catching up regionally and perhaps internationally to a certain extent, as states like Pakistan and Nepal began to contemplate the Sri Lankan model, in relation to internal conflicts in their respective countries (Keethaponcalan 2012). Internationally, several states which are facing internal armed conflicts, showed interest in learning from the Sri Lankan experience. For example, the Sri Lankan state-sponsored *Galle Dialogue*, an international seminar-type annual meeting, currently serves as one of the tools of this knowledge-sharing project.

What is the Sri Lankan model of conflict resolution? On this question perceptions differ greatly between domestic and international actors. The Sri Lankan government and its military leadership believe that at the core of the Sri Lankan model of conflict resolution is the unwavering determination, especially of the political leadership, to eliminate terrorism. They also believe that the commitment to civilian safety is one of the integral elements of Sri Lankan success. This was why the military assault on the LTTE was called the "humanitarian operation" by the authorities. President Rajapaksa claimed that his "troops went to this operation carrying a gun in one hand, the Human Rights Charter in the other".[e]

Despite the lack of disagreement on the "will of the political leadership" as a core component of the Sri Lankan model of conflict resolution, international commentators believe that the Sri Lankan approach entails broader aspects, some of which are inimical to international peace and upholding of human rights standards. According to this school of thought, the fundamental characteristic of the Sri Lankan model is the relentless military assault on the rebel controlled territories and facilities regardless of the humanitarian or human rights consequences. For example, Brad Adams, Asia director at Human Rights Watch (HRW) maintained that "Sri Lanka's self-proclaimed 'model' of counterinsurgency included repeatedly shelling civilians, targeting hospitals, and trying to

prevent the world from finding out about it."[f] Some of the Indian commentators believe that what they call the Rajapaksa doctrine entailed the following elements; political will, ignoring international opinion, refusal to negotiate with terrorists, blackout of media and selective spread of information, complete operational freedom to field commanders, and obtaining assistance from all possible sources.[g] It is imperative to note that multi-barrel rockets were the primary weapon the armed forces used in the last phase of the war against the LTTE.

Although the West and the US were appreciative of the fact that the Sri Lankan armed forces managed to terminate the LTTE, they did not like the idea of Sri Lanka becoming a model for conflict resolution internationally. They believe that it will hinder international peace. Hence, the UNHRC campaign against Sri Lanka is aimed at preventing Sri Lanka from becoming an example. The West and the UNHRC believe that crimes against humanity were committed in Sri Lanka during the last phase of the war. Therefore, they do not want to see an episode of the Sri Lankan situation repeating itself elsewhere in the world. Through the UNHRC process, the North has sent a strong message to the Third World states that are tempted to try the Sri Lankan approach that there will be consequences. With or without an eventual international investigation, the Sri Lankan model has effectively been de-legitimized through the Geneva process.

Reconciliation

The other secondary motivation of the US is promoting ethnic reconciliation in Sri Lanka. The US and its European allies were keen supporters of peaceful resolution of the conflict and played a vital role in the last peace process. The European Union was one of the Co-Chairs of the Conference on Reconstruction and Development of Sri Lanka, which led the international support group for the peace process. The US was one of the four Co-Chairs of the Conference. The intimate US involvement in the Sri Lankan peace process led some commentators to argues that it was "out of proportion" to its strategic interest in the country (Lunstead 2011, 54). As pointed out elsewhere in this paper, the US wanted to make Sri Lanka a role model for peaceful conflict resolution and following the collapse of the peace process, backed the Sri Lankan government in its military campaign against the LTTE in the belief that termination of the rebels would lead to stable peace and reconciliation. However, the way in which the war was ended and the post-war developments in this country led only to further polarization of ethnic communities.

Currently, the American schemes are designed, at least partly, to promote post-war reconciliation in Sri Lanka. The US conceives the human rights campaign in Geneva against Sri Lanka as a primary vehicle for peace and reconciliation. American spokespersons have repeatedly insisted that the US sponsored resolutions are adopted not "against" Sri Lanka, but as an assistance to promote peace and reconciliation. Sri Lanka however, firmly believes that these are conspiracies undertaken to sabotage the country's progress towards peace as imagined by the people of Sri Lanka. This is the reason why the government of Sri Lanka mobilized all resources at its disposal to resist the American campaign. The US intervention promoting an international investigation however was based on the notion that truth will lead to reconciliation. The US believes that an "international investigation" on human rights violation by both parties to the conflict will lead to the "truth", which in turn will facilitate reconciliation.

This is an extremely problematic assumption given the peculiarities of the Sri Lankan society and polity.

Conclusions

The resourceful, rich and developed North uses different tools to work with and control states in the Global South. In the recent past however, human rights have emerged as one of the new tools of foreign policies of the powerful states. A closer look at the use of human rights as a foreign policy tool indicates that Western states take up human rights issues in the Third World countries to promote their national interest. Human rights slogans become louder when they do not adversely affect their national interest despite the fact that there exists a genuine concern about human rights standards in the developing world. This concern nevertheless is a secondary factor. Most of the Western European states and the United States of America assisted and collaborated with the Sri Lankan state in its war with the LTTE. With the successful completion of the war however, most of these states, especially the United States, have become hostile to the government of Sri Lanka on the basis that crimes against humanity were committed by the warring parties. Sri Lanka's pro-Chinese foreign policy tendencies and lack of progress on ethnic reconciliation were two crucial factors which prompted the American action against Sri Lanka in the UN. Currently, the United States has been leading a human rights campaign in the United Nations Human Rights Council against Sri Lanka to promote accountability and reconciliation. This essay argues that this campaign primarily is motivated by strategic interest of the United States in South Asia and the Indian Ocean region. Through the UNHRC process, the US is trying to remain relevant in Sri Lanka. At a secondary level, the US is trying to prevent Sri Lanka from becoming a model for conflict resolution in terms of internal ethnic conflicts. The US and its Western allies believe that the approach adopted by Sri Lanka in the final stages of the war will be inimical to international peace and accepted human rights standards. Thus far the US strategy in the UNHRC has clearly demonstrated the problems and weaknesses of the Sri Lankan model of conflict resolution. The Northern states that are challenging Sri Lanka in the UNHRC also believe that the Geneva process may help transform the socio-political condition of the minority communities in Sri Lanka leading to ethnic reconciliation. The present approach allows the US to be relevant in Sri Lankan affairs and at the same time be critical of the human rights situation. However, if and when there is a conflict between the primary and secondary motivations American strategic interest will take precedence over peace and reconciliation, and its policies and attitude towards Sri Lanka could also transform.

Endnotes

[a]The Lessons Learnt and Reconciliation Commission (LLRC) was a local mechanism set up by the Sri Lankan government to mitigate international criticism on alleged human rights violations by the Sri Lankan armed forces during the last phase of the war. Although problematic, the LLRC made a series of recommendations to promote peace and reconciliation in Sri Lanka. Members of the Tamil community viewed these recommendations as too little too late.

[b]This essay entails an in-depth analysis of the causes, nature and characteristics of the Chinese buildup in Sri Lanka.

[c]President's Speech to Parliament on Defeat of LTTE. Available at http://www.satp.org/satporgtp/countries/shrilanka/document/papers/president_speech_parliament_defeatof LTTE.htm.

[d]President Showed the World How to Defeat Terrorism – Minister Amaraweera, *Daily News*, March 26, 2014. Available at http://www.dailynews.lk/?q = features/president-showed-world-how-defeat-terrorism-minister-amaraweera.

[e]President's Speech to Parliament on Defeat of LTTE. Available at http://www.satp.org/satporgtp/countries/shrilanka/document/papers/president_speech_parliament_defeatof LTTE.htm.

[f]Sri Lanka: Military Conference to Whitewash War Crime. Available at http://www.hrw.org/news/2011/05/23/sri-lanka-military-conference-whitewash-war-crimes.

[g]Fundamentals of Victory Against Terror, Sri Lanka Example. Available at http://www.priu.gov.lk/news_update/Current_Affairs/ca200908/20090825fundamentals_of_victory.htm.

Competing interests

The author declares that he has no competing interests.

Authors' contributions

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