Wikileaks: ‘A very effective diplomatic approach’ by Sri Lanka

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By Dr. Dayan Jayatilleka The threat of a resolution against Sri Lanka in March in Geneva, the speech by Canada’s Foreign Minister at the UNGA, the lobbying within the Commonwealth, the statement by the UK Labour Party’s Shadow Foreign Secretary, the remarks of the Swiss Federal Attorney General on Gen. Dias, the legal moves in the US and Europe against Lankan soldier-diplomats, and in the EU arena to legalise the LTTE, are the spearheads of a multipronged strategic offensive. While the Sri Lankan media reflects the domestic disagreements on the international policy and diplomatic stance that should be adopted, we may surely agree that what is required is an approach, that is, above all else, effective in defending Sri Lanka’s national interest in a hostile climate. But how does one identify "effective diplomacy" and who is to do so credibly and authoritatively? Wikileaks revelations of confidential cable traffic to Washington DC, throw a spotlight on a moment when the US, and in one case France, regarded Sri Lanka as following "an effective" and even "a very effective diplomatic approach", in challenging conditions.

Though Sri Lankan newspapers have already published the Wikileaks cable disclosing that in April 2009, the UK Foreign Secretary David Miliband, spent 60% of his time on Sri Lanka due to the "very vocal Tamil Diaspora in the UK", what was unknown is that US Secretary of State instructed its Mission in Geneva to throw its weight behind the move on Sri Lanka at the UN HRC Special Sessions in 2009. "Mission Geneva is requested to convey to the Czech Republic and other like-minded members of the HRC that the USG supports a special session on the human rights situation in Sri Lanka and related aspects of the humanitarian situation. Mission is further requested to provide assistance, as needed, to the Czech Republic in obtaining others, signatures to support holding this session...Mission is also instructed to engage with HRC members to negotiate a resolution as an outcome of this special session, if held. Department believes a special session that does not result in a resolution would be hailed as a victory by the Government of Sri Lanka. Instructions for line edits to the resolution will be provided by Department upon review of a draft." [Cable dated 4th May 2009 from Secretary of State (United States)] Those were the odds then; that was the combination that Sri Lanka was up against in May 2009. We entered the battle with an added disadvantage: we were no longer a member state of the UN HRC. Nominated by the Asian Group, I had been a Vice President of the Council in 2007-8, but we had lost the election held in the UNGA New York by 2009, a venue I was not allowed to attend as PRUN-Geneva, by the edict of the then Foreign Minister, which reversed a norm. As early as September 2007, just two months after I had taken over as Ambassador/PRUN, the Western Group, led by the UK, was revising and reactivating a resolution that had been hanging over Sri Lanka in the previous year, 2006 – a danger and challenge which I had inherited. "....a UK Mission contact told us that work is only at an early stage on the text of a possible resolution, which would update one that the EU put forward in last year’s Council session." [Cable dated 10th September 2007] A Wikileaks cable registers the US concern at our strategy of a high visibility, assertively principled stance, actively building the broadest possible coalitions, issue-based and longer term, as well as holding seminar-type events on the HRC sidelines, fielding academics, professionals and officials of moderate, pluralist views. "The GoSL holds numerous events during Council sessions to lay out its position, whereas critics of Sri Lanka’s record are less active. Discreetly encouraging NGOs critical of Sri Lanka to arrange side events could be useful. A member of the International Independent Group of Eminent Experts, possibly its (Indian) Chair, might also be invited to Geneva to discuss Sri Lanka’s human rights situation." [Cable date 10th March 2008] We returned to and refreshed our Non Aligned roots, while twinning Tri-continentalism with the rise of Asia and emergent multi-polarity in the world order. The US Mission informed Washington of the efficacy of our line and stance: "As in the past, Sri Lanka’s delegation took a tough and often acerbic tone in its latest public relations campaign in Geneva. While this may in part reflect the personality of its ambassador in Geneva, Dayan Jayatilleka, it also reflects a strategy of appealing to NAM countries, to whom it argues implicitly (and probably explicitly, behind closed doors) that it is willing to stand up to the West, which is unfairly picking on it. That message resonates particularly strongly in the Human Rights Council, further complicating our efforts to use that body to pressure Sri Lanka on its human rights record." [Cable date 10 March 2008] An important aspect of our pro-active stance was to regularly field members of our carefully chosen delegation, such as Professor Rajiva Wijesinha, Shirani Goonetilleke, Mohan Pieris PC and D-SGs Yasantha Kodagoda and Shavindra Fernando at side events organized by hostile NGOs. Our own events took a debate mode, to which all actors including NGOs and pro-LTTE representatives were invited. At our invitation, Amnesty International actually chaired one such event. This attitude of dynamic, open dialogic engagement was praised by the US mission: "...They (NGOs) also organized several side-events. One panel, hosted by AI, HRW, and the International Commission of Jurists, included representatives from national human rights institutions but also a representative of the GoSL, Deputy Solicitor-General Shavindra Fernando, who presented the GoSL’s response to issues related to witness protection and the Constitutional Council. NOTE: Several of our interlocutors who were otherwise critical of Sri Lanka praised it for sending a representative to a session at which it knew it would come under criticism. Few other governments showed any willingness to do so." [Cable date 7th July 2008] Wikileaks show that NGO activity was high at the HRC: "Human rights activists held parallel meetings to press their case. Paikiasothy Saravanamuttu of the Sri Lankan NGO Centre for Policy Alternatives, accompanied by representatives from the Geneva-based International Commission of Jurists, argued that the Sri Lankan Government had clearly determined that a strong offense was its best defense in presenting the case on human rights." [Cable date 10th Sep 2007] "....NGOs were highly visible on the margins of the sessions of a number of countries, with Sri Lanka being perhaps the most notable. Activists, including several who had come from Sri Lanka for the occasion (in many cases after having come for the earlier working group sessions as well), were active in the corridors before and after the actual review." [Cable date 7th July 2008] In the face of this hyperactivity, our Geneva Mission adopted methods and tactics that eventually defeated the efforts of its adversaries. "Meanwhile, Sri Lanka has continued to press its public relations campaign in Geneva even as the EU

begins to consider either reintroducing a resolution condemning Colombo’s human rights policies or calling a special session of the Council on the issue.... ... the GoSL is certain to continue pressing its case in Geneva, as it has been doing aggressively to date." [Cable date 18 Jan 2008] A US Mission cable described the effect of our strategy as follows: "... There was general agreement that Sri Lanka, and in particular its outspoken ambassador here, were effectively playing off the West against less developed countries."[Cable date 10 March 2008] In May 2009, the EU finally managed to present the resolution that it had been nursing for so long, in the wake of a failed effort to table it before the end of Sri Lanka’s victorious war against the LTTE. Anticipating this move, we, together with a broad bloc of allies (NAM plus BRICS), had already prepared a counter resolution which was tabled and adopted by the now well-known majority vote of 29-12. A considerably important cable conveys the assessment made to Susan Rice, Cabinet-ranked US Ambassador/Permanent Representative in the Security Council, by Human Rights High Commissioner Navi Pillay, on the results of the Special Session on Sri Lanka. The assessment was that "Sri Lanka and its allies...simply outmanoeuvred the EU". "Pillay praised the very quiet and effective work of the U.S. Charge in Geneva in helping secure passage of the Sudan resolution. She contrasted this outcome with the result of the special session on Sri Lanka, where the EU was ineffectual, carrying out few if any demarches (this was confirmed to her by Ambassadors from India, Mexico and South Africa). Sri Lanka and its allies, meanwhile, had a draft resolution ready to go and simply outmanoeuvred the EU." [Cable date 25 June 2009] This is not a one-off assessment. The Wikileaks cables report a conversation in Paris, significantly between the US Ambassador-at-large for War Crimes Issues, Clint Williamson, and senior officials of the French Foreign Ministry (widely respected as the fount of modern European diplomatic tradition and practice). A cable from the US Embassy in Paris to Washington DC quotes France’s Official Representative for International Penal Tribunals, Christian Bernier, as saying that Sri Lanka was "very effective in its diplomatic approach in Geneva": "Bernier opined that the Sri Lankan government is "very effective" in its diplomatic approach in Geneva and said France is in an information-collection phase to obtain a more effective result in the HRC". [Cable dated 16 July 2009] The very fact that Sri Lanka figured prominently in a discussion that the US Ambassador-at-large for War Crimes Issues had with the Official Representative for International Penal Tribunals of a Western ally, fellow Permanent member of the UN Security Council and NATO member, is an incontrovertible indication of the high stakes in Geneva at the Special Session in May 2009, and what would have followed had we not prevailed in that battle. The Wikileaks treasure trove also shows that in 2009, veto wielding powers Russia and China (supported by non-Permanent member, Vietnam) determinedly protected Sri Lanka at the UN Security Council against pressure by the Western Permanent members, with legendary Foreign Minister Sergei Lavrov being especially articulate in our defence. The innermost secret of our "very effective diplomatic approach" in Geneva 2007-9 was intellectual and existential. The representation of Sri Lanka was refashioned; the new discourse was one that "resonated strongly" among a great majority of UNHRC member states (as the US Mission informed the State Dept) enabling us to "outmanoeuvre" (Navi Pillay) our challengers. History has recorded it as a (singular) success in these years, but History will also judge whether it was a vanguard experiment or merely an anomaly or exception. It is not prudent to assume that time, demography and world opinion are on Sri Lanka’s side. Sri Lanka needs to look at the big picture and wrestle with the large questions: How do we look to the world? How have we projected ourselves? What is our profile? Who are we? What have we become? What must we become? What is our way of being in the world? After three decades of war, have we caught up with the rest of Asia? Have we caught up with the 21st century? Does our discourse "resonate strongly", broadly and widely enough? All this requires thinking and clarity.Courtesy: The Island