

# Meditation - "No", negotiations - "Yes". (1999, October 17). The Sunday times.

## Mediation - "No", negotiations - "Yes".

Mr. Bandaranaike lives in California, holidays in Sri Lanka and is, therefore, completely out of touch with political realities

**Q:** During your recent visit to the UN headquarters in New York you criticised public statements made by UN top brass in Colombo over the recent Air Force bombing of a refugee camp and an LTTE massacre in Ampara. You said they should stick to dealing with mosquitoes and malaria. Wasn't that a little too harsh a statement?

**A:** My reference to mosquitoes and malaria at a press conference in New York was a colourful way of saying that the United Nations officials should confine themselves to the areas of work, mainly social, humanitarian and economic for which they are present in a country. When they take it upon themselves to comment on incidents arising from an on-going internal conflict they enter sensitive political territory and run a grave risk of oversteering their legitimate mandate in the host country.

Questions can arise as to why they picked on one incident involving civilian casualties when there have been numerous such incidents over the years in respect of which no statements were made by United Nations officials.

If the United Nations Mission in a country is to preserve its impartiality and objectivity it must be careful to get the facts right before it makes a statement. For instance, in the first combined statement dated September 24 on the Air Force bombing in Mullaitivu and the attack on three hamlets in Ampara the United Nations said that "deliberate killing of civilians is against fundamental principles of international humanitarian law".

It is clearly indicating its disapproval of the Air Force bombing. It would have been more correct and sensible on the part of the United Nations officials to have first conducted the government on the facts before issuing a statement.

**Q:** We hear that those UN top brass here, naturally, not over the moon by our remarks. They in fact backed saying that the UN was not interested in distinguishing between accidental civilian attacks or otherwise, that they were only concerned with humanitarian tragedies, full stop.

**A:** In the second United Nations statement dated September 29, issued after a discussion with Government representatives, the difference between an accidental infliction of injuries on civilians, caused by the air raid and the deliberate attack on civilians as specific targets was noted. But once again the UN statement on civilian casualties, whether accidental or deliberate, remained a humanitarian tragedy had the effect of equating the two incidents, whereas the LTTE attack on civilians in Ampara was surely a massacre of horrendous proportions which stood by itself and cried out for emphatic denunciation. The United Nations should have condemned that massacre in no uncertain terms as an act of international law. But the United Nations officials did not do so. Why?

**Q:** Why?

**A:** That is the question. May be they do not know how to evaluate and strike the right balance between different types of incidents against a complex, political background. Sometimes statements seem to be made by relatively low level officials with no diplomatic experience. Maybe they are plain frightened. I don't know. For instance, as far as I am aware, UNICEF, Sri Lanka has not yet made a statement on the horrible plight of child soldiers under the LTTE. A situation which is now engaging the close attention of many individuals, countries and organisations.

**Q:** What has happened to the report of Clara Ocampo, the

UN Special Envoy on the use of Children in War? He came here last year. What has the UN done or not done, about the LTTE's continuous use of children at war?

**A:** For some time after he came here Mr. Ocampo did not seem to be doing much about the situation of child soldiers in Sri Lanka. We had to urge him to condemn the violation by the LTTE of their assurance to him that they would discontinue the use of child soldiers. A few days ago in an interview with the Daily News Mr. Ocampo is reported to have said that he receives information on the abduction of school children by the LTTE in Northern Sri Lanka, that they are continuing to recruit children below 17 and that they are violating their pledge to the international community not to recruit child soldiers.

He said they had also agreed not to interfere with the distribution of food and other essentials for the displaced persons and to allow displaced civilians to go back home, but that they were not honouring their pledge. He said "we must gather all our momentum to exert continuous and systematic pressure on these armed groups to make them respect human dignity and values especially of children." He added that Sri Lanka continues to be a major proponent of the refugee and that there is a lot to be done. I am glad to see that he is coming out more forcefully on the child soldiers question.

**Q:** The use or abuse of child soldiers was the issue sometime recently, especially after a much publicised report of Ms. Graça Machel (now Mrs. Nelson Mandela). It's off the radar, isn't it?

**A:** No, it's a "no brainer" off the radar. The question has advanced dramatically to the forefront of issues that the United Nations is now concerned with. As I said in my speech to the General Assembly last month "Since 1997 there has been considerable progress on the question of child soldiers. The issue is now on center stage.

Regional conferences have been held and a world conference is to be held next year. The office of the Special Representative of the Secretary General for Children and Armed Conflict has issued a growing number of country reports on this issue in the United Kingdom, Italy, India, and other parts. Most recently the Foreign Ministers of the North Atlantic Treaty Organisation condemned the practice and pledged their support for its eradication. The Security Council has unanimously adopted its first ever resolution on the plight of children. The first decade of the next millennium has been designated the International Decade for the Culture of Peace and Non-violence for the Children of the World".

The present President of the General Assembly, the representative of Namibia, made a long reference to the question of child soldiers in his own speech. I said they are already adding his "voice and devotion to the laudable efforts towards making the 21st century one of love and security for every child in the world".

I pleaded for speedy action to rescue child soldiers from their fate. I said they are already scarred and that if we do not act quickly they will be scarred beyond redemption. I also stated that in Sri Lanka we have decided to set up a rehabilitation centre for the children who desert the rebel army. They will have expert attention from specialists in psychological trauma. We will try to rebuild their shattered lives.

**Q:** And attacks on civilian targets by terrorists? The LTTE continuing these attacks with impunity. Dr. Neelan Tiruchelvam in Colombo said the villagers in Ampara, as if all this worldwide pressure means nothing to them.

**Foreign Minister Lakshman Kadirgamar in an exclusive interview with The Sunday Times News Editor Anthony David explains the Government's position on third Party negotiations, mediation and facilitation over peace talks with the LTTE; his recent criticism of some UN officials in Colombo; his response to Anura Bandaranaike, MP's criticism of him; and about developments in Sri Lanka's neighbourhood**



By M.A. Pushpa Kumara

**A:** Certainly the LTTE's recent conduct—the assassination of Neelan Tiruchelvam, the massacre of villagers in Ampara and other atrocities seem to indicate a flagrant disregard for public and international opinion. It is not easy to guess why they are behaving in this way, while also claiming an interest in exploring the prospects for peace. It is one of the harsh realities of our conflict that we have to deal with the LTTE as they are, not as we would like them to be.

**Q:** The US has signed a new Extradition Treaty with us. You signed it. They have reconfirmed their classification of the LTTE as a

terrorist organisation. But the LTTE doesn't seem to care. At the recently signed Extradition Treaty between the United States of America and Sri Lanka is a necessary instrument for a situation where terrorists seek safe haven in various countries. The previous instrument was 60 years old and not adapted to modern conditions and problems.

**Q:** What are other countries doing?

**A:** As I am sorry I cannot agree

with you that the Government does not have a clear view on many issues. You cannot get me to proceed on such an assumption by sleight of hand! In truth the Government has a clear view on the question of what you call "third party negotiations" and this view has been articulated on many occasions. The problem is that this term is used loosely. The three words commonly used when the resolution of our internal conflict is being discussed are negotiations, mediation and facilitation.

**Q:** What about Asian countries where the LTTE is active?

**A:** Yes, we are aware that there is significant LTTE activity in some nearby Asian countries and we are in touch with them about counter

and to the LTTE. **Q:** Has anyone offered to negotiate, mediate or facilitate in our conflict?

**A:** Yes, I have counted 16 countries which have at one time or another offered their good offices without specifying the capacity in which they wish to act. The usual approach is for a number of friendly countries to be offered to help in whatever way the Government and the LTTE would consider useful in bringing the war to an end and establishing a durable peace in our land. The Government has noted all these offers and expressed its sincere appreciation of the intention shown by so many friends in bringing the war to an end.

**Q:** UNP MP Anura Bandaranaike was very critical of you in Parliament last week. He says that you stayed at the Waldorf Astoria in New York—one of the finest hotels in the world—eating the finest foods and making statements while poor Sinhalese and Tamils are getting massacred here. "What kind of Foreign Minister have we got," he asked.

**A:** The trouble with Mr. Bandaranaike is that he lives in California, holidays in Sri Lanka and does not do a stroke of work anywhere. He is, therefore, completely out of touch with the political realities of the country. When he comes here on his periodic visits he looks immediately and desperately for a cheap headline. Truth and accuracy are not his forte. His statements should never be taken at face value.

For instance, he says that I make lofty statements from the Waldorf Astoria in New York. In the world, in fact, throughout my life I have never stayed once at the Waldorf Astoria. Mr. Bandaranaike's speech is nothing but a load of bovine excrement which should be swept into the gutter where it belongs.

His other problem is his juvenile fantasy that the country owes him a Kingdom. This he constantly flashes his pedgrees, some being his distinguished sister never does, to remind us that he is ready, willing and able to lead the country. Since there are no takers for this generous offer, at least of all his leader and his party, he throws a tantrum or two to remind us of what we are missing. All this would have been harmless fun but for the fact that on this occasion Mr. Bandaranaike in his desire to make a splash has swallowed his own line and made a tactical declaration that it favours mediation. It is a pity to see Mr. Bandaranaike as a willing, indeed eager, apologist for the LTTE.

I do not intend to compromise the dignity of my office by trading insults with Mr. Bandaranaike when he behaves like a buffoon, but some things need to be said at least once.

**Q:** From what we know the LTTE is not interested in talks, but it grabbed the opportunity of your rejection of mediation to say the Government of Sri Lanka is not interested in peace.

**A:** My statement at a press conference in New York was an answer to a specific question concerning "mediation" but had no objection to a facilitator being engaged at an appropriate time. This has been said over and over again by the President, myself and others during the past five years. It is, therefore, wrong to have assumed from my statement that because we are engaged in mediation we are, therefore, against talks with the LTTE. At an interview with the BBC two days after the press conference in New York I referred specifically to the distinction between mediation and facilitation. I said, "I think it is certainly possible for the two sides to sit down and work out a solution."

I do agree that there is a degree of hostility, mistrust and a history of disagreement between the parties over a long period of time, and the situation is now terribly complicated by the massacres that take place and incidents that kind and, therefore, in that sort of atmosphere a facilitator acceptable to both parties could be helpful. At the appropriate time we will bring the parties together since we are going to make an arrangement within a unitary State. There is no question of two States, that has been ruled out a long time ago".

The Leader of the Opposition has correctly understood the distinction between mediation and facilitation. In a speech to foreign investors a few days ago he had first said that he was not against mediation but had corrected that statement to indicate that facilitation is "something possible and does not in any way violate the sovereignty of this country and is an option which we will have to think of very seriously".

**Q:** Hasn't the war got stuck in the mud and in corruption and inefficiency?

**A:** War is always, to a greater or lesser degree, surrounded by corruption and inefficiency. A war fought with clear and limited objectives might well be finished quickly. That is what happened, for instance, in Bangladesh, but was against guerrilla forces are notoriously long and tortuous. There have been many such wars in this century, as for instance, Vietnam and Afghanistan. Such wars took an inordinately long time to be concluded. Our conflict seems to be getting arms via Tamil Nadu or so military operations. Despite the fact that the LTTE killed one of the Prime Ministers of the BJP DMK alliance is not keen on taming the Tigers. What you are assessing is the fall-out of the Indian elections given the fact that the BJP is the best of being diplomatic in which you say?

**A:** I am able to agree but the LTTE is getting arms from Tamil Nadu. The evidence points to the fact that the LTTE is able from time to time to land arms on ships that come from districts. I am also not able to say that the DMK alliance is not keen on taming the Tigers. I am confident that the BJP Government will not in any way encourage the LTTE. I think the day when the LTTE was supported and nurtured in India are over. I say that with no prospect whatever of the Central Government, India or any State Government supporting the LTTE demand for a separate State.

**Q:** Are you not concerned that George Fernandes has been reappointed Minister of Defence given his knifings with the LTTE?

**A:** The Government of Lanka entertains no apprehensions whatsoever that Fernandes is partial to the LTTE. He may have been associated with the LTTE before he became a Minister but that was nothing in his performance as the Defence Minister of India in the previous Government which gave any indication for that belief.

**Q:** And the coup in Pakistan?

**A:** I had hoped very much that parliamentary democracy in Pakistan had been restored when Nawaz Sharif was elected by a majority. It is too early to say whether the recent coup will take. We are watching events closely.

**Q:** All the leaders are calling for a SAARC summit. Who will be next?

**A:** All the leaders are calling for a SAARC summit so though another six months!

There is a traditionally accepted difference in the scope of the functions associated with those roles. The mediator is usually vested by the parties with the authority, express or implied, to make judgmental decisions and conclusions concerning the merits of the dispute and to make recommendations that may be totally unacceptable to either party. The mediator usually has some capacity for underwriting and enforcing a settlement conceived of as fair by the mediator even against the will of the parties.

problems of the minorities, especially the Tamil speaking people. Indeed the 1994 election campaign was fought conspicuously on this basis. The country was in no doubt as to what her intentions were and as you know within weeks of coming to office talks with the LTTE began. We have recognized the fact that given the state of acute hostility between the LTTE and successive Governments of Sri Lanka over almost two decades negotiations towards the

**Q:** Recently you categorically rejected 3rd party negotiations in our internal conflict. The Government did not seem to have a clear view on this, like on many other issues, and that was why your remarks made headlines. Is that the position of the Government of President Chandrika Bandaranaike Kumaratunga, or is it only your view?

**A:** I am sorry I cannot agree