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and Accountability in Sri Lanka**

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❖ **'Western' press coverage of the US resolution on Reconciliation and Accountability in Sri Lanka**

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Abstract

Research on the role of news media in framing and explaining complex political and diplomatic drama has a rich academic pedigree, and within that context this paper attempts to explore and understand how mainstream domestic newspapers in three Western countries – Australia, the US and Canada – framed coverage of a US-led UN Human Rights Council resolution on peace and reconciliation in post-war Sri Lanka. The paper looks at how international and Sri Lankan domestic narratives competed in the reportage, and argues that the newspapers frequently favoured nationalist interests, often presenting their country's involvement in a positive light, while casting doubt over the motivation of other key players.

Introduction

The motivations of individual actors in complex political dramas are difficult to unravel and, as the Fourth Estate, the media is tasked with contextualising competing narratives and attributing rationale and motivation to the behaviours of key news actors (Schultz, 1998; Gentzkow, 2006). As McNair notes, journalism can be defined as mediated reality – a 'real' account of what lies beyond the immediate experience (2005: 30), and that reality comes with caveats and interpretations.

Shrouded by what military strategist Carl Von Clausewitz calls the fog of war (Clausewitz, 2008), this 'reality' is particularly difficult to piece together in armed conflict. While Clausewitz approaches this notion from a military perspective the same is true of information gathering as part of the journalistic process, whereby the inherent nature of conflict often precludes any one individual from independently assessing the reality of the conflict from multiple angles.

With respect to the final days of the 30-year civil war between the Sri Lankan government and the internationally designated terrorist group, the Liberation Tigers of Tamil Eelam (LTTE), government restrictions on media access to the country's north-eastern conflict zone further contributed to the dearth of independent reportage. As the curtain fell, some media organisations outside Sri Lanka, such as British Channel 4, managed to deliver limited coverage of the closing moments based on fragmented information that included allegations of war crimes and scraps of amateur vision that purportedly slipped through the government's media barriers. When the war finally ended with the defeat of the LTTE in one final unprecedented military push, these allegations of war crimes moved into sharper focus as the international community turned to matters of accountability, recovery and the collateral cost of victory.

The international response to the allegations of war crimes, particularly within the formalised forums of the UN, was largely divided through geopolitical fault-lines, and en-bloc voting in the respective UN commissions and debates. Sri Lanka continued to be shielded by the Chinese government that effectively bankrolled the final assault on the Tamil Tigers and ultimately scuttled a flagging and predominantly Western attempt to reach a peaceful political compromise. The geopolitical interest of China and the West could be explained as part of power struggle between the two for military supremacy of the Indian Ocean, where Sri Lanka sits as a strategic midpoint.

The West, identified as a number of Sri Lanka's traditional donor countries led by the US and the European Union, has been systematically pushed out of the region as China's sphere of influence expands into the Indian Ocean via its 'String of Pearls' – a series of Chinese funded naval bases fringing the Indian ocean and designed to protect Chinese oil shipments. Chinese domination of the world's busiest shipping lane is something the West is keen to curtail, preferring instead to maintain the status quo of a largely US, British and French naval presence (Kaplan, 2009). Within this political context, this paper focuses on the role of media framing and contextualisation in the press coverage of a US-led resolution tabled at the United Nations Human Rights Council, on alleged war crimes committed in the final stages of the Sri Lankan civil war.

The proposed resolution noted 'with concern' that the Sri Lankan Government inquiry into the civil war, the Lessons Learnt and Reconciliation Commission, '... does not adequately address serious allegations of violations of international law' (US Mission, Geneva, Switzerland, 2012). Furthermore, it requested the Sri Lankan government 'fulfil its relevant legal obligations' through independent inquiries and provide a comprehensive action plan for post war reconciliation. The resolution also 'encouraged' the office of the United Nations High Commissioner for Human Rights to offer the Sri Lankan government assistance and report to the Human Rights Council at its twenty-second session. Couched in diplomatic jargon, the resolution, sponsored by the US and co-sponsored by 40 countries including Australia, Canada, the United Kingdom, France and Germany, applies international pressure for post war accountability and justice.

The study looks at mainstream press coverage in the US, Australia and Canada, the key Western sponsors of the resolution, to determine how the press in the sponsor and co-sponsor nations framed the motivations behind their home country's actions, and how the same newspapers framed the actions of other key players in the narrative. This paper focuses on reportage of pre-vote lobbying for and against the resolution, and how the media interpreted the motivations behind this diplomatic lobbying.

In consideration of the charged political theatre of alleged war crimes, a caveat must be proffered. While this paper notes the scarcity of discussion on US, Australian and Canadian motivation in sponsoring the resolution, it must be noted that it does not suggest the allegations of war crimes are spurious. The purpose of the study is to understand the media frames associated with the reportage and to evaluate the motivations, or the journalistic 'why' attributed to the behaviour of each player in the media reports. In this context this study does not attempt to reject or validate mounting prima facie evidence supporting further investigations on alleged war crimes committed by Sri Lankan government forces and the Tamil Tigers during the final stages of the war.

Sri Lanka's civil war and the alleged war crimes aftermath:

On May 17, 2009 Sri Lanka's three decade long civil war came to an end with the army claiming victory over the Liberation Tigers of Tamil Eelam (LTTE), an internationally designated terrorist organisation that had fought for a separate state in the country's North and East. But the government victory was soon shadowed by claims of what international observers called a civilian 'bloodbath', with initial United Nations reports claiming about 7000 civilians may have been killed in three months of fighting. More than 300,000 civilians in the crossfire were forced to trek to 'safety' across one of the deadliest battlefronts in South Asia.

There is significant prima facie evidence suggesting both the LTTE and the Sri Lankan government may have committed war crimes during the final days of the war. However with the Tiger hierarchy decimated, the Sri Lankan government was the only stakeholder faced with the task of answering to the international community for these alleged crimes. The Tigers were accused of using civilians as human shields in government designated 'safe zones', while government forces were accused of shelling the safe zones violating their own ceasefire. The government was also accused of the extrajudicial killing of surrendered Tiger leaders; and operating internment camps for Tamil civilians in the aftermath of the war while refusing independent external monitoring and at times access to international aid groups, while allowing the military to selectively 'arrest' alleged Tiger cadre from the camps for interrogation. The Sri Lankan government was also accused of censorship and the intimidation of journalist, preventing independent arbitration and accountability.

The final assault on the Tigers was bankrolled by the Chinese in exchange for a seaport in south Sri Lanka, as part of a string of possible naval bases along China's crude oil supply route from the Arabian Gulf through the Indian Ocean. China was also able to protect Sri Lanka from international retribution, initially thwarting a resolution to investigate Sri Lankan war crimes tabled at the May 2009 UN Human Rights Council, and instead passing a resolution condemning the Tigers and commending government forces.

Despite initial success in securing much needed ground in international diplomatic circles, Sri Lanka was eventually forced on the defensive through a series of high profile recommendations seeking independent investigations into alleged war crimes. Among these; calls for an independent, international investigation by the Office of the High Commissioner for Human Rights and a US State Department report to Congress in October 2009; the January 2010 Permanent Peoples' Tribunal; the International Crisis group report in May 2010; and the June 2010 report by the Secretary-General's panel of experts on accountability in Sri Lanka. The media assault on Sri Lanka was also relentless, including initial news reports printed in the *New York Times* publishing satellite images showing military forces shelling in civilian safe zones; the British Channel 4 broadcast of mobile phone footage showing the alleged summary execution of Tiger cadre by Sri Lankan soldiers; and Jon Snow's documentary *Sri Lanka's Killing Fields* in June 2011, also broadcast on Channel 4 and retransmitted in many Western countries, including Australia.

On March 22, 2012, the Sri Lankan government faced yet another challenge, when the United Nations Human Rights Council adopted seven resolutions on post-conflict Sri Lanka. Among these was the controversial resolution A/HRC/19/L.2/Rev1 – *Action on Resolution on Promoting Reconciliation and Accountability in Sri Lanka*. Sri Lankans viewed the resolution as a potential floodgate for future international investigations and campaigned vigorously against its adoption noting that Sri Lanka's own reconciliation mechanisms were adequate and arguing international intervention was not needed.

The US led resolution, co-sponsored by Australia, Canada and 40 other countries, and India's support of the US push – marking a significant backflip by one of Sri Lanka's key allies in the 2009 pro-Sri Lankan UN resolution – generated media interest in the West. The government and local Sri Lankan media responded to the US-led resolution with a barrage of criticism, alleging unwarranted Western intervention and ulterior motives, which begs the question as to how media in countries such as the US, Australia and Canada interpreted and explained the motivation for their own country's involvement

and how these media operators then interpreted the motivation of key external players.

The theoretical underpinning: from game theory to framing

The analysis of media coverage of the US backed UN resolution is informed by two bodies of research. It primarily relies on key studies in agenda setting and frame theory; and to a lesser degree on game theory in predicting the behaviour of the narrative's key actors. Myerson (1997) defines game theory 'as the study of mathematical models of conflict and cooperation between intelligent rational decision-makers'. The theory provides a framework for the analysis of decision making by two or more individuals, where the decisions have direct or indirect impact on one another. 'As such, game theory offers insights of fundamental importance for scholars in all branches of the social sciences, as well as for practical decision-makers' (Myerson, 1997). Considering its wider theoretical applications game theory is also known as 'interactive decision theory', however the term 'game theory' is widely accepted and as such is used within this paper.

Iyengar and Simon (2000) argue '(g)ame theory provides an elementary yet powerful tool for studying campaign strategy'. They argue, the clearly defined interests of electoral success can be studied through game theory that 'provides insight into the joint behaviour of instrumentally rational actors'. Within the rules of the game voters are expected to vote for a given candidate based on the veracity of promises made, where the *actual* policies of the candidate become apparent only after the termination of the game and election to office. As such voter-players determine the best course of action on incomplete and best available information presented to them. The electoral race then is described as a game of incomplete information, where the players are not fully aware of the payoffs of the game until the game has ended and candidates elected to office (Banks, 1990). Austen-Smith presents the nature of persuasion through political speeches where the speech-maker must choose the most effective words and the listeners decipher truth or falsity of the arguments made (Austen-Smith, 1992). As such game theory could be applied in this context to a wide range of politico-communicative processes.

Within the context of this paper the theoretical essence of game theory can be applied to the content produced by media outlets in relation to the UN resolution with particular focus on the reportage's tone, angle and source selection, to understand how the media interpreted the rationale of each key player involved in political lobbying for or against the US resolution at the United Nations Human Rights Council.

The interpretation and validation of information within these incomplete information systems can also be viewed through the socio-cognitive prisms of frame theory. Entman (1993) argues that framing essentially involves *selection* and *salience*, presenting the concept of framing as an active process. He argues that '(t)he frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to' *define problems, diagnose causes* that create the problem, *make moral judgements* by evaluating the causal agents, and *offer remedies* to the problem (Entman, 1993:52). Gitlin notes that media frames are, 'largely unspoken and unacknowledged, organize [sic] the world both for journalists who report it and, in some important degree, for us who rely on their reports' (1980:7). According to frame theory, news frames therefore play a crucial role in both the construction of media frames by news makers, and the subsequent unpacking and interpreting of news frames by audiences through the application of individual frames (de Vreese, 2005; D'Angelo & Kuypers, 2010).

As already discussed the representation of political communication through game theory has a long academic pedigree in media and communication research (Banks, 1990; Murphy, 1991; Austen-Smith, 1992; Rohner & Frey, 2007). The actions of the players and consequences ascribed by the media to these actions, determine how the information is read, interpreted and validated by the readers. This process – to employ the terminology of frame theory – is outlined in the construction and interpretation of media frames.

It is therefore possible to employ the basic concepts of game theory, the representation of players in terms of gains and losses, within the theoretical architecture of frame theory in multi-player conflict focused news narratives. The reader, observing a 'game of incomplete information' is unaware of the true motives of the key players – the voter nationals in the UN Security Council – but is able to form opinions based on the motivations presented and implied in the media coverage. The news coverage, suggests a rationale for the behaviour of key players, suggesting the reason for the players voting for or against the resolution is not merely a desire for justice or an altruistic desire to see lasting peace in Sri Lanka, but for other politico-diplomatic motivations that will be discussed in greater detail later in this paper.

Reconciliation and accountability in Sri Lanka: Resolution A/HRC/19/L.2/Rev1

Media coverage of the UN resolution (A/HRC/19/L.2/Rev1) *Reconciliation and Accountability in Sri Lanka* provides an 'electoral campaign' where news consumers are observers of a UN electoral process. While the readers have no electoral sway, they are able to form opinions on the intentions and persuasions of the players in this case the voting nations, and reach informed positions of endorsement or rejection.

Based on the argument that rational players make rational choices that yield them the best dividends, Austen-Smith (1992) presents a payoff matrix where legislators gain or lose credibility for their support or rejection of bills. Smith presents three alternatives for a voting legislator – voting for a bill, against it or abstaining from the voting process. He argues the best calculated outcome for the legislator would be to abstain from voting, where the legislator is not linked with the eventual success of the failure of the bill. He then introduces the notion of a non-voting lobbyist, who has everything to gain by the legislator's support in their favour – for or against the bill, and the persuasive pressures that can induce the legislator to vote in a given manner.

In the case of the A/HRC/19/L.2/Rev1 resolution, not all players have a vote, but all key players in the narrative act as lobbyists through their pre-vote support or rejection of the resolution, and as such the media narratives in respective domestic

media could be seen as a media interpretation and explanation of this lobbying process – an answer the question of why a given country has decided to lobby for or against the resolution.

Borrowing from Austen-Smith’s model, both the US as the sponsor of the resolution and Sri Lanka as the ‘defendant’ have vested interests in presenting their actions and positions as just or righteous. All UN member nations are able to lobby, but only 47 of those members have a vote in the Human Rights Council. In the case of those with a vote, their pre-vote statements of voting position can also be interpreted as a lobbying process where numbers are stacked for or against the vote, before the actual vote is taken. Since not all players have vote in the UN Human Rights Council, but are able to lobby for or against the vote, this study focuses on the lobbying process.

In this model, the US lobbies in favour of the resolution claiming the resolution as a necessary step in securing peace and reconciliation in post-war Sri Lanka, presenting the delivery of peace dividends in Sri Lanka as their only motivation for proposing the resolution. Similarly Sri Lanka will lobby against the resolution, claiming it would only rake-over old wounds and not deliver any significant peace dividends, or that peace dividends have already been delivered with the defeat of the LTTE.

The voters in the Human Rights Council must either support the US or Sri Lanka or abstain from voting. Potential lobbyists, must also side with one of the two countries or abstain from the lobbying process. Based on the game theory argument that player action is determined by personal gain, the outcomes for a truly independent lobbyist with no unforeseen vested interest beyond the need to be associated with a successful peace process, must be a choice between political kudos and embarrassment.

	Lobbyist		
	<i>Vote for</i>	<i>Vote against</i>	<i>Abstain</i>
<i>Resolution is needed for peace</i>	Kudos	Embarrassment	0
<i>Resolution will hurt peace process</i>	Embarrassment	Kudos	0

Abstaining from lobbying is therefore the obvious and least damaging path for any player, unless the arguments made by either the US or Sri Lanka present new and irrefutable information tipping the vote in favour of one or the other, or there is an additional dimension of self-interest outside the described matrix.

International politics and diplomacy are rarely this simple. And the actions of the players are determined not merely through a kudos/embarrassment coin-flip but through other politico-diplomatic considerations, or self-interests outside the described matrix – that is to say the self-interest of individual nations.

The news media coverage, as discussed earlier, is focused on presenting the journalistic ‘why’, the rationalisation and explanation as to why news actors behave as they do. In the case of the US resolution and the vigorous lobbying, domestic media must explain why their government and other key players behave the way they do. The question then is, do the newspapers validate the kudos-embarrassment pay matrix, or do they offer alternative explanations for the key player’s behaviour – in this case the lobbying for or against the resolution?

Once again it must be reiterated the basic techniques and concepts of game theory are used only as analytical tools within the wider notion of media framing, and not vice versa. In this respect, it is believed that each ‘lobbyist-player’ as a rational decision maker behaves to the best of their national interest. The decisions they take in the course of this decision making process are then subjected to a frame analysis to determine how – in the case of media coverage, the journalists – framed each player’s purported rationalisation of their lobbying choice.

The players: a brief explanation of the main news actors

Before embarking on a media analysis it is important to outline some key relationships between the central players or news actors. The news actors in this context are the governments of the respective countries – each actor with a single seat in the UN. The electoral drama unfolds in the UN Human Rights Council. Neither Australia nor Canada have seat in the Council and act only as non-voting lobbyists supporting the US resolution. The same is true for Sri Lanka which as a non-voting lobbyist can only lobby the voters against the US resolution. However the US and India as voting members have both the ability to cast votes and lobby other voting members for or against the resolution.

This study, as stated earlier, focuses on the lobbying process, the explanation of a country’s decision to support or oppose the US resolution, and as such, primarily views each news actor as a lobbyist. Within this lobbying process, it is then important to understand some pre-existing relationships that may form a foundation for the discussion of motivation in later sections.

The United States: The sponsor and key instigator of the resolution. Sri Lanka depending on the political party in power, has remained either supportive or suspicious of US involvement in the country. Within a historical cold war political framework, Sri

Lanka's United Nationalist Party (UNP) has historically allied with the US while the left-leaning nationalist Sri Lanka Freedom Party (SLFP) has befriended the USSR and China. The current government of President Rajapakse, a political progeny of the SLFP, has maintained its ties with Russia and China both of which continue to defend the island nation in the UN Security Council, against the US and Europe, which nationalist Sri Lanka still views through a post-colonial taint.

In contrast, the SLFP's traditional political opponent, the UNP actively courted the West in general and the US in particular. With the escalation of Indian backed Tamil militancy, Hiranandani (2005) notes Sri Lanka reportedly agreed to 'provide strategic intelligence gathering facilities against India in Sri Lanka's Voice of America (VOA) broadcasting station.' Sri Lanka also preferred a US contract to repair and restore the Trincomalee Oil Tank Farms built by the allied forces and used to support South and South Asia Naval Command during the 1939-45 World War, virtually sanctioning a contemporary US presence in the strategic blue water harbour within India's sphere of influence. However the US maintained a policy of non-involvement in the Sri Lankan conflict (Rao, 1988). A more detailed analysis of the US strategic interest in the Indian Ocean is beyond the scope of this study

Sri Lanka: The principle 'defendant' accused of committing war crimes during the final stages of the civil war with the separatist Tamil Tigers. Both the Sri Lankan government and the Tamil Tigers were accused of committing war crimes, but with the Tiger hierarchy dead, the burden of answering war crimes allegations has landed squarely with the Sri Lankan government.

India: Sri Lanka's relationship with India has historically remained strained. While the Sri Lankan Tamils, victims of numerous ethnically motivated attacks, have continued to view the Sinhala majority with fear and suspicion since the mid 1950's, Sri Lanka's Sinhala majority has remained conscious of the political and numerical strength of the Tamil speaking state of Tamil Nadu, which is striking distance from Sri Lanka, on the southern tip of the Indian subcontinent. As Sri Lanka's most prolific historical invader, the distinction between the Hindi speaking Indian unilateral government and the Tamil speaking Tamil Nadu state government has frequently been ignored in common discourse.

Within the context of Sri Lanka's ethnic conflict, the relationship between India and Sri Lanka soured quickly, largely over two significant incidents. First, the central role played by Indira Gandhi's central government in arming and training Tamil militants during the early stages of the war, and secondly India's military intervention during the crucial *Vadamarachchi* Operation in 1987 and Prime Minister Rajiv Gandhi's subsequent deployment of the Indian Peace Keeping Force in Sri Lanka. During the final stages of the war, India remained uncharacteristically silent despite pressure from the Tamil Nadu government, allowing the Rajapakse government to carry out its military plan without interference and interruption from its most powerful neighbour.

Canada and Australia: The role played by Canada and Australia in the resolution debate is somewhat limited to their support of US action. However a brief understanding of their respective positions within the narrative is needed to analyse the domestic media coverage in the two countries and domestic media attribution of Canadian and Australian motivation. Within this context the Canadian involvement is dictated to some extent through a significant Tamil migrant population where, according to the 2006 Canadian census, 138,675 people claim to speak Tamil on a regular basis at home (Statistics Canada, 2006). Other unverified sources claim there are more than 150,000 Tamils in Canada (Asian Tribune, 2005). Similarly the Tamil population in Australia is estimated around 50,000, with the Australian Bureau of Statistics setting the number at 32,701 Tamil speakers in 2006 (Department of Immigration and Citizenship, 2008).

Methodology

A ProQuest newsstand search was conducted for the search words 'Sri Lanka*' and 'war crimes' or 'UN resolution' from February 01- March 31, 2012. A small corpus of relevant news articles were identified, from the initial sample of 20 reports, in a selection of US and Canadian newspapers, including *The New York Times*, *International Herald Tribune*, *The Wall Street Journal*, *The Wall Street Journal Asia*, *The Globe and Mail*, *National Post* and *Toronto Star*.

A similar search was conducted for the key words 'Sri Lanka*' and 'war crimes' or 'UN resolution' in the ProQuest Australian newsstand for reports published between February 01- March 31, 2012. A relevant corpus of news reports from *The Australian*, *The Age*, *Sydney Morning Herald* and *The Courier Mail* were selected for further analysis, from a sample of 34 reports identified in the ProQuest search.

While the small corpus of articles limited the quantitative value of the study, it provides an ideal framework for a qualitative study of the coverage in greater detail. As de Ruyter and Scholl note '(q)ualitative research does not measure, it provides insight,' (1998) thus arguing the validity of research despite small sample sizes. Early work on qualitative content analysis also suggests the validity of small samples in gathering rich data. Kracauer notes research 'performed on a small sample, invite attention to unique traits which are perhaps manifest in only one single configuration of statements. The insight into wholes which these unique patterns provide gives rise to observations and hypotheses of unusually rich relevance,' (1952-1953: 631-642).

Australian Press coverage

In December 2011, the Sri Lankan government published a report on its own investigation into the failure of the 2002 peace process which led to the escalation of violence between Government forces and the Tamil Tigers. The report published by a government appointed *Lessons Learnt and Reconciliation Commission (LLRC)* was heavily criticised by human rights groups with International Crisis Group, Human Rights Watch and Amnesty International refusing to give legitimacy to the investigation by appearing before the Commission (BBC, 2010).

On February 14, 2012 nearly two months after the LLRC report was released, the *Sydney Morning Herald* and *The Age*

published an almost identical brief report noting former Australian Foreign Minister Kevin Rudd had offered a 'belated response to Sri Lanka's official inquiry into the country's civil war', saying more work was needed to determine accountability for war crimes. The report further noted that the Australian Greens had accused Rudd 'of going quiet,' while the European parliament, by contrast, had called on the UN to further investigate Sri Lanka. The framing of the reports suggested Australia's Labor government was perhaps out of step with its Western allies.

These two small reports were the only articles published from a significant body of reports produced by the Australian Associated Press wire service (AAP) on Foreign Minister Rudd's failure to respond to Sri Lanka's *Lessons Learnt and Reconciliation Commission*. The AAP material, which included scathing criticism from the Greens, was largely ignored by the Australian press. Similarly a potentially embarrassing report produced by AAP detailing how Sri Lankan High Commissioner Thisara Samarasinghe – himself a naval officer accused of war crimes – had reportedly supported foreign Minister Rudd's stance on Sri Lanka, also failed to generate interest in the Australian press.

However the *Sydney Morning Herald* coverage following the US-backed war crimes resolution in March, co-sponsored by Australia in its capacity as an observer, makes no reference to Australia at all, despite noting the resolution was co-sponsored by France and Norway. Instead the paper focused almost singularly on the Sri Lankan perspective, and more accurately Sri Lanka's belligerence, leading with:

Sri Lanka will resist international pressure to hold an independent investigation into war crimes allegations against government forces, saying countries were bullied into supporting a UN resolution against it by the US and other 'powerful countries' (*Sydney Morning Herald* - March 24, 2012, p17) .

The press coverage also explicitly outlined motivation for the Sri Lankan government's stance, claiming: 'any probe could be acutely uncomfortable for the Sri Lankan government, reaching to the very top of the Rajapakse family-dominated administration'. The paper had already outlined at length the ramifications of the resolution in an opinion piece by Hamish McDonald published on February 18.

The Australian published an opinion piece by Human Rights Watch's Elaine Pearson who questioned the Australian government's strategic silence on alleged Sri Lankan war crimes. The article led with 'as nations such as Canada and Britain weigh in on accountability for war crimes in Sri Lanka, it's time for Australia to add its voice. After all, promoting human rights is a crucial part of foreign policy, as Foreign Minister Kevin Rudd is keen to say.' Pearson's comments are framed in terms of the Australian government allowing its self-interest to undermine international obligations.

Australia's relationship with Sri Lanka has been somewhat complicated by the boatloads of ethnic Tamils heading to Australia and Australia's co-operation with the Sri Lankan government to prevent people-smuggling. But Canada has faced similar issues, and this has not stopped Canada from speaking out strongly about accountability, Pearson wrote claiming it was time for 'the Australian government to show leadership' with the Human Rights Council session approaching in March (*The Australian* - February 3, 2012, p10).

While the framing of Australia's strategic silence through the domestic political narrative on 'people smuggling' offers a credible explanation of the Australian government's motivation to offer only silent support, the issue is not further unpacked in domestic media reports.

The Australian's news coverage on the eve of the crucial vote, by the paper's South Asia correspondent Amanda Hodge largely focused on the Sri Lankan perspective again, giving news voice to the Sri Lankan framing of the issue as irrelevant and damaging. The report led with;

Sri Lanka has warned a vote this week on a UN Human Rights Council resolution that could lead to a fresh probe into alleged war crimes committed during the 26-year civil conflict will derail the delicate peace process there (*The Australian* - March 21, 2012, p9).

The report's only primary source, Sri Lankan Presidential adviser on reconciliation Rajiva Wijesinha described the US lobbying as 'startling'. The paper wrote:

... Rajiva Wijesinha, adviser to Sri Lankan President Mahinda Rajapaksa on reconciliation, described the aggressive lobbying as 'startling' given 'human rights and the welfare of civilians in conflict is something they're not at all concerned with'. The comment was an oblique reference to the killing of 16 Afghan civilians earlier this month by a US soldier in Kandahar (*The Australian* - March 21, 2012, p10).

The article makes no reference to ongoing alleged abductions and political persecution in Sri Lanka. It notes: 'Sri Lankan officials say much has been achieved since the May 2009 end of the war, with new roads and schools built in the Tamil-dominated north and east.' While the report does not exonerate the Sri Lankan government of wrong-doing during the final stages of the war and acknowledges UN reports citing 'credible' allegation of human rights violations by both the Tigers and the government, the framing contrasts significantly to US press reports highlighting ongoing political persecution and the need for accountability and justice in post-war Sri Lanka

US press coverage

While Australian newspapers led with the dispute, US newspapers, as expected, favoured coverage of the US role in the resolution, and framed it as a conflict between a quest for accountability and justice, and an attempt at evasion and

subterfuge.

The New York Times journalist Nick Cumming-Bruce, wrote on March 20:

An American-led initiative calling on Sri Lanka to account for the carnage that ended its civil war three years ago has become the focus of a diplomatic dispute in Geneva and anger in Sri Lanka.

The article headlined 'Move at U.N. on carnage in Sri Lanka sets off fury' led with a *conflict frame* then moved in to a *justice frame*. The introduction was framed with the notion of culpability and the need for accountability and justice, containing the loaded phrase "account for the carnage that ended its civil war".

In this context the primary news frame is one of conflict between numerous stakeholders. The *reconciliation* frame, a natural couplet of the conflict frame is presented only in a cursory manner when discussing the nature of the US resolution through American news voices. The report quotes Washington's Ambassador to the Human Rights Council, Eileen Donahoe, describing the resolution as 'exceedingly cooperative and collaborative in spirit'.

The primary conflict frame is further unpacked through two sub-ordinate frames – Sri Lanka's *culpability and evasion of justice*, and the US-led argument on the *need for accountability and justice*. Then the argument is simply a diplomatic tussle between those wanting to hold Sri Lanka accountable and those supporting Sri Lanka's subterfuge.

The overarching conflict frame clearly divides the text into two sections. The first section deals with Sri Lanka's apparent culpability, implying the need for accountability and justice, and outlining the reasonable nature of the international request. The second half of the text starts with the sentence 'Yet Sri Lanka is mobilizing to fight it off', and then presents the Sri Lankan government's resistance, its underhanded tactics of intimidation, and a concerted diplomatic campaign to pervert the course of accountability and justice.

Frames

Primary frame

conflict

reconciliation

Diplomatic conflict between supporters of the US led resolution; and those supporting Sri Lanka

The reconciliatory nature of the US resolution and explicit references on how the US are not perusing prosecution but ensuring reconciliation through the resolution

Secondary frame(s)

need for accountability and justice

culpability and evasion of justice

US push to hold Sri Lanka accountable through the UNHRC framework

Sri Lankan is culpable of war crimes.
Death of 40,000 civilians

The US's motivation for sponsoring the resolution is presented as altruistic, where the 'profits' or the only dividend anticipated by the US through their involvement is simply explained as long term peace dividends in Sri Lanka. The news reports offer no alternative diplomatic dividend for US such as its strategic interests in the Indian Ocean. The US action is explained on the basis of UN reports which suggest the Sri Lankan government's so called 'humanitarian rescue operation', which ended the civil war 'had caused the deaths of as many as 40,000 civilians'.

The absence of any suggestion of an ulterior or even secondary motivation of the part of the US is stark. The report refrains from referencing Chinese interests in the Indian Ocean and its close ties with Sri Lanka, including the fact it bankrolled the final stages of the war in exchange for a Chinese-financed harbour development on the southern tip of the country – a harbour, which foreign affairs analysts claim could be a future naval base for a Chinese fleet in line with that nation's strategic need to secure sea routes through the Indian Ocean.

New York commentator Gibson Bateman (June 2012), openly pondered on the Sri Lankan citizen journalism site *ground views* 'what was driving US diplomatic efforts in Geneva?'. The essence of Bateman's article is a discrepancy in US foreign policy, where the US State Department announced, on the same day of the resolution, it would relax restrictions on the sale of surveillance equipment to the Sri Lankan government.

The motivation for Sri Lanka's action is presented in the US press, perhaps not inaccurately, as one of self-preservation, and is framed as political *subterfuge* and an attempt to *evade justice*. It notes President Rajapakse had personally contacted his counterparts in Asia, Africa and Latin America – alluding to an international conflict frame which pits the 'developed' nations of North America, Europe and Australia against the predominantly developing nations of Asia, Africa and Latin America. The President's action is presented within the frame of wider polarisation in international diplomatic circles, but no specific reference is made to en-block voting of Western nations despite such references being inferred in respect to Sri Lanka's support base.

While the Sri Lankan government's argument of needing more time to properly execute its own reconciliation program without external intervention is given news voice, it is immediately countered with commentary from unspecified Human Rights groups which claim there is an aggressive government campaign to brand the resolution as 'Western meddling' and its supporters as Tiger sympathisers. The report further claims Sri Lankans are employing similar intimidation 'tactics' at the Geneva Human Rights Council, against Sri Lankan non-governmental organisations that support the US resolution.

A lengthier piece by Cumming-Bruce published in *New York Times*' stablemate, the Paris-based *International Herald Tribune*, mirrors large sections of the *Times*' report, but provides wider international references and markers consistent with the paper's global focus.

The *International Herald Tribune* report of March 20, headlined 'Sri Lanka scrambles to thwart U.N. inquiry into civil war', led with:

A U.S.-led resolution before the U.N. Human Rights Council calling for an investigation of the end of Sri Lanka's civil war has met with protest in that country.

Even as it faces new demands to act to protect civilians in Syria, the U.N. human rights body will vote this week on a U.S.-led initiative calling on Sri Lanka to account for the carnage that ended its civil war three years ago, a move that has become the focus of a tense diplomatic tussle in Geneva and angry protest in Sri Lanka.

The primary framing of the *International Herald Tribune* article employs a global meta-narrative to explain the latest developments on the Sri Lankan front, connecting it with a somewhat euphoric presentation of the UN's efforts to 'protect civilians in Syria'. The question of why the international human rights body and the US maintained strategic silence during the so called 'carnage' in Sri Lanka, with the UN withdrawing its agencies from the war torn north, is once again left largely unanswered, simply linking the development in the Sri Lankan theatre to a general intolerance of 'abusive regimes and the impunity of their rulers' in the wake of the Arab Spring. Ambassador Donahoe is quoted saying the rationale of the US led resolution "is resonating across most regions," with the exception of Asia, where the region's two dominant players Indian and Pakistan are voting for and against the US respectively.

The mirroring of articles in *The New York Times* and the *International Herald Tribune*, coupled with the fact each was published after the March 23 vote, frame the outcome as an initial success for international justice. Both reports written by Cumming-Bruce, underscore the US administration's purported hardline approach to human rights abuse. Secretary of State Hillary Rodham Clinton is quoted saying the international community had "sent a strong signal that Sri Lanka will only achieve lasting peace through real reconciliation and accountability". *The New York Times* report also quotes Ambassador Eileen Donahoe after the vote as saying: 'Our view is that if there isn't some form of truth and accounting of these kind of mass-scale atrocities and casualties, you can't have lasting peace.'

In contrast comments made by Sri Lankan delegates remain disingenuous, with Sri Lanka's Special Envoy on Human Rights, Mahinda Samarasinghe, condemning the resolution as 'misconceived, unwarranted and ill-timed' before walking out ignoring journalists' questions; and Chief Legal Adviser to Sri Lanka's Cabinet and former Attorney General, Mohan Peiris, claiming 'It won't change anything; we will just forge ahead as planned'. The report also claims Peiris dismissed Belgian Ambassador Francois Roux's concerns about Sri Lankan government intimidation tactics in Sri Lanka and Geneva, as 'absolute rubbish'.

In the aftermath of the vote, the justice frame is presented through two opposing responses – a US-led genuine attempt at lasting peace in Sri Lanka meeting with a disingenuous response from a petulant government in Colombo.

Both *The New York Times* and *International Herald Tribune* reports of March 20 largely focus on the US and Sri Lankan government perspectives and pay little attention to other key players in the region. The resolution is tied to international event such as the Arab Spring and is explained in terms of broad stroke international policy shifts, with no explanation of the strategic policy dividends of the individual actors such as Pakistan and India.

The coverage fails to provide possible regional explanations for the behaviour of key local players. There is no reference to

Pakistan's attempts to distance Islamabad's decision making process from that of Washington, in an attempt to reassert its territorial sovereignty in the turbulent politics following the US assassination of Osama Bin Laden on Pakistani soil, and its desire not to scrutinise alleged war crimes in the region in light of its own armed conflict in Baluchistan. Similarly the Indian position is not limited to its domestic political reality, namely its reliance on Tamil Nadu, but also reflects the need to counter increasing Chinese incursion into India's sphere of influence and China's close relationship with Sri Lanka which forces India to flex its muscle in the region. India's stance can also be explained as an attempt to trade on the social capital of India's position as the world's largest democracy as counterweight to Chinese financial might.

In contrast Tom Wright's report in the March 20 *The Wall Street Journal* focuses predominantly on India's support, highlighting the US's success at gaining a key ally in India. The paper led with:

U.S. officials said they gained a key ally in their effort to push Sri Lanka to allow an independent investigation of government atrocities carried out at the climax of the country's 26-year civil war against the Tamil Tigers in 2009.

India's role in the resolution and the condition of its support – which saw the resolution softened in favour of Sri Lanka – are downplayed or ignored outright by the US press. The remainder of the report is framed largely in line with *The New York Times* and *International Herald Tribune*, extensively quoting US Ambassador to the UN Eileen Donahoe who highlighted the US's judicial and human rights dividends, and Washington's conciliatory tones which ruled out punitive actions against Sri Lanka such as travel bans and economic sanctions. A spokesman for the Sri Lankan President is briefly quoted arguing, rather unconvincingly, for more time to implement its own reconciliation program which the newspaper article claims 'largely exonerated government forces'.

The Canadian Press

The Globe and Mail of March 20 framed the Canadian response well within domestic political spheres focusing on the conservative Canadian government's relationship with the 300,000-strong Tamil immigrant community. The report by journalist Clark Campbell led with:

The Harper government is dispatching a delegation to Sri Lanka as it presses the country to launch a post-war reconciliation with its Tamil minority.

The lead downplayed US actions as merely a simultaneous occurrence coinciding with the visit of a Canadian delegation to Sri Lanka and presented the US resolution co-sponsored by Canada as yet another step taken by the Harper government to hold Sri Lanka accountable.

The Globe and Mail coverage to a large extent framed the issues within the country's much discussed immigration policies and within a Liberal versus Conservative framework, presenting the move as a conservative policy shift under pressure from the Tamil expatriate lobby.

The traditionally social liberal newspaper, which had previously changed its political stance in withdrawing its support from the liberals in support of Stephen Harper's Conservative Party in the 2008 and 2011 general elections, wrote:

It is the latest measure in the Conservatives' turnaround from reluctance to criticize the Sri Lankan government during its civil war with the Tamil Tigers, which the Tories banned as a terrorist group, to becoming one of Colombo's most vocal critics.

While the paper presented undertones of altruistic peace dividends to Canada, it was far less subdued when compared with US press coverage, where the motivation of the Canadian government was explained largely in terms of domestic politics of ethnic cohesion. The paper presented the Harper government policy change as an attempt to rectify previous errors of political judgement. The report further noted:

Prime Minister Stephen Harper's government alienated many in the 300,000-strong Tamil-Canadian community by being slow to demand restraint from Colombo during the civil war that ended with the Tigers' defeat in May 2009.

The report briefly noted that 'The Sri Lankan government is fighting hard, portraying the resolution as Western interference in the country's internal affairs' and that 'Colombo has in recent years turned increasingly to China as an ally' but neither assertion was further explained. *The Globe and Mail's* reading of Indian support was also cautious, and unlike the US press which framed it as a strengthening of the US position and further isolation of Sri Lanka, *The Globe and Mail* noted the Indian Prime Minister's comments of his nation being 'inclined' to support the resolution was 'less-than-definitive' and that the 'phrase led to speculation he is seeking to water down the wording'.

The post-vote coverage of *The Globe and Mail* penned by Associated Press reporter Frank Jordans on March 23 framed the report as a quasi-judicial verdict delivered by the UNHCR, and offer straightforward comments issued by numerous stakeholders without much analysis of their motivations.

Unlike its competitor *The Globe and Mail*, the *National Post* was silent on the UN resolution. The conservative paper which openly supported the Harper government's traditional hardline position against the LTTE, publishing a scathing attack on the Tiger's 'ruthless' military strategy during the final stages of the war, without any reference to any possible breaches of human rights by the Sri Lankan Armed Forces. The January 05, 2009 editorial, liberally copied and reproduced by pro-government newspapers in Sri Lanka, wrote emotively yet not inaccurately; "The LTTE governed ruthlessly making a mockery of its claim to

be a group of honourable freedom fighters seeking justice for the island nation's Tamil minority," noting the group's use of child soldiers and extortion of Tamil expatriates in the West.

The left leaning *Toronto Star*, led its March 22 report on the resolution with a loaded lead, claiming:

Three years after bringing Sri Lanka's bitter 25-year civil war to an end, President Mahinda Rajapaksa and his triumphalist government risk becoming pariahs.

The report carrying the provocative headline 'Festering wounds', pitched the Canadian co-sponsorship of the US resolution and the Harper government delegation to Colombo as a sign Canada was willing to champion for the Tamil cause. The paper justified the Canadian 'intervention' in Sri Lanka on two counts – Canada, especially Toronto being home to 'the largest Tamil diaspora'; and the Harper government's previous hardline stance against the Tigers and declaration of the organisation as a terrorist outfit under Canadian law, providing additional legitimacy to Canada's human rights concerns, shielding Canadians from Colombo's spurious branding of all resolution supporters as sympathisers of the LTTE. In this context the paper frames the Canadian motivation for intervention through immigrant diaspora politics in multi-cultural Canada and through Canada's self perception as a bringer of international justice.

The *Toronto Star* also takes an advocacy stance, providing a much detailed portrait of the post-war Sri Lankan theatre.

Now the respected International Crisis Group warns that the Rajapaksa government risks undermining long-term peace prospects. 'The Tamil-majority north remains under de facto military occupation,' and efforts are underway to 'Sinhalise' the region, the ICG reports. That's a dangerously provocative policy. Going forward, Tamil regions need a degree of autonomy, not a jackboot.

Harper's envoys should let Rajapaksa and his officials know that Canadians haven't forgotten that Tamils were promised 'substantive' regional autonomy, plus stronger minority rights and a fair share of positions in the civilian administration and military. The guns have long since fallen silent, but Tamils are still waiting (*Toronto Star* - March 22, 2012, pA22).

Framing Indian action

The Western press coverage singled out India's uncharacteristic support and paid significant attention to explaining the motivations of Sri Lanka's largest neighbour, and as such presents an interesting focus of analysis.

Robert Putnam (1988) famously wrote international negotiations to be a 'two-level game', where the negotiators are positioned between two tables, one domestic the other international. 'Diplomatic tactics and strategies are constrained simultaneously by what other states will accept and what domestic constituencies will ratify' (Evans, Jacobson & Putnam, 1993:4).

Scholars have presented this dichotomous relationship both as a hindrance to negotiations and a tool of diplomacy (Schelling, 1960; Fearon, 1997; North & Weingast, 1989). The arguments echo the symbiosis between international policy frames and domestic policy frames, where the rationale of one set of actions cannot be understood without the other.

In the lead-up to the crucial vote, India announced it would side with the US and not the Sri Lankan government who were trying to block the resolution. India's seemingly counter intuitive action was rationalised through the twin frames of international and domestic policy considerations.

The Australian newspaper reported:

Those efforts (Sri Lankan lobbying to block the resolution in Geneva) were dealt a blow on Monday when Indian Prime Minister Manmohan Singh indicated his government was inclined to vote in favour of the resolution if (it) will cover our objectives, namely the achievement of a future for the Tamil community in Sri Lanka that is based on equality, dignity, justice and self-respect (*The Australian* - March 21, 2012, p9).

While presenting India's own rationalisation of its action, *The Australian* attempts to analyse India's 'true' motivation through Putnam's two-level game – the Indian central government's relationship with the Tamil Nadu state government within the domestic theatre, and with Sri Lanka in the region's international theatre. India's seemingly utopian rationale and assertion of motivation as 'the achievement of a future for the Tamil community in Sri Lanka that is based on equality, dignity, justice and self-respect', is rejected in favour of the two-level game hypothesis.

Indian action in the international theatre – namely going against the grain in the region given that the only two South Asian countries with a vote in the HRC Bangladesh and the Maldives voted against the resolution – is described as a 'blow' to Sri Lanka. This strategy of diminished profits in the international theatre are explained – not through the utopian motivation noted by the Indian PM – but through a domestic profit maximisation strategy of satisfying the central government's Tamil Nadu based coalition partner – the Dravida Munnetra Kazhagam party.

It is further noted that the southern Indian Tamil coalition partner, Dravida Munnetra Kazhagam party had exerted 'intense pressure ... to support the resolution'. Thus Australian papers present India's action largely as a consequence of its attempts to minimise losses in the domestic political theatre, to appease a belligerent Tamil Nadu.

In contrast to the Australian press that provided significant coverage of the Indian position, US newspapers provided only passing coverage of India, but even so, followed Australia's lead in rationalising Indian support as result of Tamil Nadu pressure.

The *New York Times* reported '... domestic political pressures appear to have pushed India, Sri Lanka's neighbour and ally, the other way'. *The Wall Street Journal*, also reported 'India has a large Tamil population in the south. A Tamil party that is part of Mr. Singh's coalition government threatened in recent days to pull its support if India didn't support the U.S.'s resolution'.

The *Wall Street Journal* evoked an additional frame of isolation, claiming 'Sri Lanka is looking increasingly isolated ...' – the paper however did not note the support of other key players in the region including China – the Rajapakse regime's strongest ally in the east, and Bangladesh and Maldives which are the only other members of the South Asian Association for Regional Corporation with a vote in the UN Human Rights Council.

However an opinion piece published in *The Wall Street Journal Asia* (Hong Kong) on March 28, 2012 by American Enterprise Institute in Washington fellow Sadanand Dhume – not included in the study of news reports – argued the strategic brilliance of the Indian move in championing democracy. 'China's best friends in the region include Sri Lanka's Rajapaksa regime and the Pakistani army. In Bangladesh and Pakistan, radical Islamists – often backed by like-minded military officers – threaten their own societies and regional stability,' Dhume wrote, noting India's need to foster democracy in the region for its own political survival. 'If India's democratic workings lead it to support democracy and human rights abroad, it will win the support of other societies that value fair elections and individual rights. These countries are much more likely to admire India's achievements and empathize with its challenges than those with an authoritarian bent,' he wrote.

Conclusion

The reportage within the small corpus of news reports focussing on the US-sponsored and largely Western-backed war crimes resolution in the UN Human Rights Council, suggest domestic mainstream newspapers in the sponsor nations continued to frame the issue through nationalist interests, framing their country's rationale for intervention in a positive light, while overlooking, ignoring or merely omitting less admirable self-serving nationalist interests. In the language of game theory, the rationalisations and motivations of the key players' performance was presented as altruistic peace dividends in the international theatre. Only the Canadian press was successful in presenting, to some extent, alternative pay-offs for the Canadian political stance

The US press focused on the altruistic nature of the American move without the slightest hint of strategic needs in the Indian Ocean, despite a wider discourse in the international relations forums on the strategic importance of the Indian Ocean with China's sphere of influence steadily growing in the region. The narratives largely ignored how the US may have a interest in Sri Lanka, especially in light of the purported 'string of pearls' naval strategy that may see increased Chinese naval presence in Sri Lanka, a mid-point of the Indian ocean shipping lane. The omission is particularly stark when viewed with the US state department criticism of China's veto politics in the UN Security Council with respect to numerous resolutions regarding the Middle East, and China's use of similar tactics to protect Sri Lankan from backlash within the international community.

The Australian press almost ignored its government's support of international intervention in dealing with allegations war crimes, at a time when the Australian press was single minded on the influx of irregular maritime arrivals of alleged refugees from Sri Lanka. The newspapers, either by chance or design, escaped the moral conundrum of campaigning for human rights in Sri Lanka while simultaneously questioning the veracity of Tamil irregular refugee claims.

The Canadian press, with its vocal Tamil diaspora, focused more on the Canadian intervention outside of the UN process, despite its government's support of the US resolution. The media attention was almost solely focused on the domestic dimensions of the issue, and the relationship between the government and the Tamil diaspora and the tussle within the Liberal-Conservative dichotomy.

The Indian position, arguably the most complex stance was simply reduced to nationalist politics with little or no discussion or appreciation of the subtlety of the Indian strategy, such as its alleged dilution of the resolution as a condition of support.

Of equal interest is the dearth of analysis on the Sri Lankan position, outside of government spin. Neither the Australian, US nor Canadian newspapers provided much by way of real analysis on the impact of the resolution in Sri Lanka, with the exception of politically charged comments made by the government.

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