Civil war in Sri Lanka

In April 2011, the UN released a report on human rights violations during the last phase of the 26-year-long Sri Lankan civil war, in which 80,000 to 100,000 people were killed. While the document is comprehensive in its summary of the culmination of the war, its understanding would be incomplete without knowing the historical context of the conflict between the nation’s two major ethnic groups.

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Based generously upon classical works such as Mahavamsa (‘Great Chronicle’; a historical work in Pali language), the earliest historical accounts of Sri Lanka date back to 5th century B.C., when Sinhalese, the largest ethnic group of Sri Lanka, are said to have been arrived on the island from the present day Indian state of Orissa. Much later, around 3rd century B.C., Tamils, the nation’s second largest ethnic group, started entering the Indian subcontinent as ‘white dominions’ of Australia, South Africa and Canada that enabled general elections with universal suffrage (right to vote) – thereby bestowing to a non-caucasian colony of the Empire the right to undertake one-person, one-vote and the power to shape the local polity. However, All Ceylon Tamil Congress, the first Tamil political party, was formed which aligned with the British government to term its dominion as “the death to the minorities”, while sticking to the demand for a 50-50 representation (50% for the Sinhalese and 50% for other ethnic groups) in the state council.

While more welcoming than the Tamils, the Sinhalese too were not happy with the Donoughmore Constitution’s stipulation of a committee system of government, which was meant specifically to address the multi-ethnic problems of Sri Lanka, and under which, no one ethnic community could dominate the political arena. Instead, every government department was to be overseen by a committee of parliamentarians drawn from all the ethnic communities. Nevertheless, amidst the discontent, the first State Council of Ceylon, largely run by a Sinhalese-led cabinet, came into effect on 7 July 1931 on the basis of the constitution. It was followed by the second State Council in 1937.

One of the significant milestone events of the 1930s was the first Sinhala-Tamil riots in Navalaipit by 1939 – said to be centered around G.C. Ponnambalam-led Tamil rejection of not only the Donoughmore Constitution, but also of Mahavamsa, which the Sinhalese held in high regard. In 1944, a Board of Ministers headed by D.S. Senanayake stated, what they termed as, the ‘Ceylonese Vision’ for Sri Lanka, which envisaged cooperation and participation of all the various ethnic and religious groups in nation building. It led to the formation of the Soubury Commission, which eventually ushered in Dominion status and Independence to Sri Lanka in 1948, with Senanayake becoming the first Prime Minister of the country.

One of the major moves of his government, which has significant bearing on the subject of Sinhala-Tamil conflict, was the introduction of the Citizenship Act of December 1949 and the Parliamentary Elections Amendment Act of 1949, which effectively made non-citizens of the Tamil plantation labourers, who then formed about 18% of the national population, and deprived them of their vote. When he died in 1952, his son Dudley Senanayake took his place. However, the Hartal of 1953, which was a militant strike, was primarily against the abolition of subsidy on rice, forced Dudley to resign from his post. And this political turbulence led to the politics and policies that put all into the fire of the nation’s ethnic conflict.

In 1956, S.W.R.D. Bandaranaike led the Sri Lanka Freedom Party (SLFP) to victory and introduced the ‘Sinhala Only Act’, which mandated Sinhala, the language of the majority community, as the sole official language of the nation. At the same time other measures were introduced that sought to bolster the Sinhalese identity in the country. This led to sharp protest from the Tamil community, which, under the leadership of Tamil Federal Party launched a Satyagrah (non-violent protest) campaign. It led to Sinhala-Tamil riots, in which more than a hundred Tamils were said to be killed.

In 1957, the government tried to dilute the Act with the Bandaranaike-Chayanika Dassanayaka Act, which would have made Tamil the administrative language in the Tamil-speaking north and east regions. However, it was abandoned because of protests made by Sinhala nationalists and Buddhist monks.

The following year, in 1958, another instance of Sinhala-Tamil riots left more than two hundred Tamils dead and scores of Tamils displaced from their homes. In 1958, another simmering tension on the issue, Bandaranaike was assassinated by a Buddhist monk.

Sri Lankan Tamil political party, strongly opposed the bestowing to a non-caucasian colony of the empire the right to undertake one-person, one-vote and the power to shape the local polity. However, All Ceylon Tamil Congress, the first Tamil political party, was formed which aligned with the British government to term its dominion as “the death to the minorities”, while sticking to the demand for a 50-50 representation (50% for the Sinhalese and 50% for other ethnic groups) in the state council.

However, it was the separatist Tamil United Liberation Front (TULF) party, formed in the same year, but which instead believed in winning an independent Tamil nation without violence, which won all seats in Tamil areas in the 1977 elections. The success of the secessionist party led to anti-Tamil riots, which left hundreds of Tamils dead. But by 1980, and even though the J.R. Jayawardene government had agreed to some autonomy in the northern parts, the LTTE continued to oppose any political solution to the issue. Seem, even non-violent parties like the TULF started to become marginalized. As a result, in 1983, barely 10% of locals voted in government elections due to the LTTE’s boycott call.

On 23 July 1983, the LTTE ambushed a Sri Lankan Army Patrol and killed 13 servicemen – leading to the Black July riots against the Tamil community in the island. The LTTE then set off a guerrilla war and started routinely attacking government targets, while at the same time capturing territory in north and east. The government too then responded with a heavy hand, resulting in major causalities on the Tamil side. Civil war broke out in northern districts of the nation - the LTTE dubbed it as the ‘First Eelam War’.

After a brief and unsuccessful attempt at peace talks with the LTTE in 1985, the government forces pushed the group into a territory around Jaffna in the north by 1987. In the same year, Sri Lanka initiated steps towards a political solution for Tamils in the north and east and also signed an agreement with India to have the Indian Peace Keeping Force (IPKF) patrol in the Tamil dominated areas. But by 1990, the IPKF, which had already lost over one thousand soldiers in a seemingly bottomless pit of war, left the country after Sri Lankan President Ranasinghe Premadasa hoped to pave the way for negotiated settlement, ordered the IPKF to leave and opened negotiations.
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Genesis, culmination and the UN report

As the war continued, thousands of Tamil civilians were caught between the government army and the LTTE – and were killed by both sides. In 2009, according to United Nations estimates, about twelve hundred non-combatants (Tamil) were being killed each month! Eyewitness accounts talked of the use of cluster bombs; tanks, heavy artillery and even light aircraft across the LTTE stronghold during the last phase of the fight; even as United Nations political organs and bodies, by the UN’s own admission, “failed to take actions that might have protected civilians”.

In May 2009, government forces declared victory with the killing of the LTTE leader Prabhakaran, thus bringing an end to a 26-year-long insurgency. But the final round of military exercise received widespread global condemnation for alleged human rights violations on both sides. As evidence of serious human rights abuses and massive civilian casualties in the five-month offensive (which ended the war) kept mounting by the minute, UN Secretary General, under tremendous pressure from Human Rights activists and many government quarters, coming down equally hard on the LTTE, the report alleges that the militia used civilians as human shields. It states:

“February 2009 onwards, the LTTE started point-blank shooting of civilians who attempted to escape the conflict zone, significantly adding to the death toll in the final stages of the war. It also fired artillery in proximity of large groups of internally displaced people (IDPs) and fired from or stored military equipment near IDP or civilian installations such as hospitals. Throughout the final stages of war, the LTTE continued its policy of suicide attacks outside conflict zone.”

The Panel, as stated in the report, 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 amount to war crimes and crimes against humanity. Here follow the respective indictments of the two warring sides, listed in the report:

Credible allegations that comprise five core categories of potential serious violations committed by the Government of Sri Lanka:

1. Killing of civilians through widespread shelling;
2. Shelling of hospitals and humanitarian objects;
3. Denial of humanitarian assistance;
4. Human rights violations suffered by victims and survivors of the conflict, including both IDPs and suspected LTTE cadre;
5. Human rights violations outside the conflict zone, including against the media and other critics of the Government.

Credible allegations against the LTTE associated with the final stages of the war reveal six core categories of potential serious violations:

1. Using civilians as a human buffer;
2. Killing civilians attempting to flee LTTE control;
3. Using military equipment in the proximity of civilians;
4. Forced recruitment of children;
5. Forced labour;

The panel also made some pointed recommendations to all concerned parties – principal aspects that include investigations by an international panel into the alleged war crimes, short and long term accountability measures by the Sri Lankan government and even a comprehensive review of the actions (or the lack of them) of the international community during the war and the aftermath. Significantly, the panel also recommends reconsideration of the Human Rights Council’s May 2009 Special Session Resolution (A/HRC/S-11/1.1/Rev.2) that congratulated Sri Lanka for ending the war, rather than calling for an investigation into mass civilian casualties.

While the reaction from Sri Lanka, expectedly, was swift and resounding in its rejection of the report as being “biased and flawed”, Ranil Wickremesinghe, the UN High Commissioner for Human Rights, said she hoped that the “disturbing new information (carried in the report) will shock the conscience of the international community into finally taking serious action”.

Gordon Weiss, a former UN official in Sri Lanka, who has written a book on the conflict, said the report has exposed a “frontal assault on international law that demands accountability”. Equating it with the globally-condemned violations in the Bosnian war, he asserted that “the UN didn’t do enough” and that the report makes “the world morally culpable of “failing to use the available casualty figures”.

With a view of taking the findings ahead, experts suggest that one option for Bani Moon would be to set up a commission of inquiry either at the International Criminal Court or another judicial body – as a possible first step toward a war-crimes prosecution. But with China most certainly exercising its veto power on the matter, this may be unlikely to work. All the same, other experts consider there to be an array of other mechanisms still at Ban’s disposal if he chooses to explore them. Read the complete 214 page UN report at http://bit.ly/eq3uZb

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