

The sri lankan civil war essay sample

War



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The Sri Lankan Civil War was a conflict fought on the island of Sri Lanka. Beginning on 23 July 1983, there was an intermittent insurgency against the government by the Liberation Tigers of Tamil Eelam (the LTTE, also known as the Tamil Tigers), a separatist militant organisation which fought to create an independent Tamil state called Tamil Eelam in the north and the east of the island. After a 26-year military campaign, the Sri Lankan military defeated the Tamil Tigers in May 2009, bringing the civil war to an end. For over 25 years, this civil war caused significant hardships for the population, environment and the economy of the country, with an estimated 80, 000–100, 000 people killed during its course. During the early part of the conflict, the Sri Lankan forces attempted to retake the areas captured by the LTTE. The Sri Lankan government forces have also been accused of human rights abuses, systemic impunity for serious human rights violations, lack of respect for habeas corpus in arbitrary detentions and forced disappearances.

In the early 1970s, gradual disenfranchising of minority Tamils began with passing of two laws — the first which limited Tamil enrollment in universities, and the second which declared that Buddhism had ‘ foremost place’ in Sri Lanka. As Tamil opposition grew, de facto segregation of two ethnic groups inside the civil service, police and army only intensified. In 1976, the guerrilla group Tamil Tigers was formed under Vellupillai Prabhakaran, and began its bloody campaign for a Tamil homeland that claimed 60% of the island’s coastline, and its only major port, the famed Trincomalee. For the next three decades, a spectacularly bloody civil war was fought on land, in water, in air and with proxy armies, although the successive Sri Lankan governments dismissed the Tigers as a terrorist group. Supported by its

shady business dealings, and remittances from large Tamil diaspora, the Tigers pioneered the use of suicide vests and claimed, among its countless victims, a Sri Lankan President and an Indian Prime Minister.

The government behaved hardly better. Scorched-earth tactics, and indiscriminate killings of combatants and non-combatants alike were practically achieved through ignoring international concerns and shutting off news media. Even by these brutal standards, the fury it unleashed during the last days of the civil war was staggering; it was effective, and managed to corner Prabhakaran's movement to a single beach in the northeast of the country by the early 2009. Under intense international pressure, the military declared a "no-fire zone" — a de facto safe zone for Tamil refugees between the government and the rebel lines. But the UN knew what was happening there; publicly, it blamed both sides, but its records — obtained from local contracts — showed that the majority of deaths were caused by the government which attacked hospitals, schools and the beach full of refugees. Sri Lanka, one of Asia's oldest democracies, has refused to allow any independent investigation into the conflict, rejected and damned UN report on the issue and began cracking down on internal opposition.

LEGAL ISSUES INVOLVED

1. Did the Sinhalese carry out ethnic cleansing as claimed by the Tamils? The descendents of the Tamil labourers brought from India by the British plantation owners had considerably altered the demographics of Sri Lanka's Central Province. Poor and illiterate, they became the first targets of the Sinhalese nationalists in 1949. The government of D. S. Senanayake legislated to strip them of their Sri Lankan citizenship. As India had always

deemed them to be Sri Lankan citizens, they effectively became stateless. By this one act the Tamils suddenly lost all their clout in politics. Tamils who at independence were 33 per cent of the population, were now reduced to less than 20 per cent. The Sinhalese now could, and did, manage to procure more than a two-third majority in parliament. This ensured that the Tamils were now no longer in a position to effectively oppose any policies that affected them. Next, successive Sri Lankan governments tried to remove the estate Tamils from the country entirely. According to agreements signed between India and Sri Lanka, India agreed to accept 600, 000 of the Estate Tamils.

The remaining Tamils were to have their Sri Lankan citizenship restored. However, even this was not done till 2003. Tamils felt disenfranchised even with the new name, Sri Lanka, which the country known until then as Ceylon adopted in 1970. Its Sinhalese origin further angered and alienated many Tamils. The tacit understanding between the Sinhalese and the Tamils at the time of independence was that the official language would be English, and Sinhala and Tamil would have equal importance in all government policies and communications. This was changed unilaterally when the Solomon Bandaranaike government passed the Sinhala Only Act in 1956. According to this act, Sinhala was the only official state language and all communication had to be in Sinhala. In one stroke all Tamil government employees not fluent in Sinhala became unemployed and were replaced by Sinhala youth.

However, the Sinhala Only Act was never fully implemented. The business of government still continues to be carried out in English. Despite the law, all legislation is still drafted in English and the act managed only to get Tamils

out of government employment. The Sri Lankan government claimed that its 1960s ban on the import of Tamil language films, books, magazines, journals, etc. from Tamil Nadu, India was to save foreign exchange. However, the Tamils saw this as an attempt to sever their age-old cultural contacts with Indian Tamils and did not buy the government line. They took it as another governments attempt to isolate them. The proscription of the Dravida Munnetra Kazhagham, a party that championed Tamil rights in India and Sri Lanka, and the Tamil Youth League were also seen in the same light.

2. Whether the LTTE and the Sri Lankan military committed war crimes? Sri Lanka's Government has consistently denied killing civilians in the battle to wipe out the Tamil Tigers and blamed the rebels for any deaths. An investigation by The Times into Sri Lanka's civilian casualties, however — has found evidence of a civilian death toll of 20, 000 almost three times that cited previously. The majority perished under government guns. Confidential UN documents, the testimony of witnesses who lived through the bombardment and expert analysis of photographs that were taken on a helicopter flight over the no-fire zone attest to the deaths of thousands of Tamils, killed while acting as unwilling human shields by the Tamil Tigers, who claimed to be their liberators.

Intended as a haven for civilians, the no-fire zone became a killing field instead for the thousands trapped between the rebels and the army. That figure is based on the growth in the intensity of shelling in May, resulting in an average of 1, 000 civilian deaths every day. “ These figures are not even complete yet,” the UN source said. “ It's going to end up way more.” The Times has acquired a full set of the documents showing the previously

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unreleased breakdown of the weaponry that caused each death and revealing the scale of carnage from shelling which defence experts said could have come only from the army's side.

Three independent defence analysts who examined photographs of army and rebel firing positions taken over the no-fire zone confirmed that the range of the rebel weaponry and the narrowness of the zone make it unlikely that rebel munitions caused significant civilian casualties. “ It looks more likely that the firing position has been located by the Sri Lankan Army and it has then been targeted with air-burst and ground impact mortars,” Charles Heyman, a former army officer and editor of the magazine Armed Forces of the UK, said. Mortars are an indiscriminate weapon employed usually to take out groups of fighters on an open battlefield. Use of imprecise weapons of this kind in densely populated civilian areas is a war crime under Common Article 3 of the 1949 Geneva Convention — to which Sri Lanka is a signatory. One humanitarian worker told The Times that makeshift hospitals had been repeated targets for the Government, which claimed that rebels were hiding in them. In some cases, he said, the medical posts were bombed within hours of doctors telephoning their co-ordinates to the International Committee of the Red Cross so that the military could avoid bombing them.

UN sources accused the Government of waging “ a war without witnesses”. “ They didn't want anyone left to say what had happened,” one said. Three Sri Lankan doctors who reported on civilian casualties within the no-fire zone are being held on charges of spreading false information. Common Article Three of the Geneva Convention prohibits the use of indiscriminate fire against civilian areas, even when a military force is using them as a shield, as the <https://assignbuster.com/the-sri-lankan-civil-war-essay-sample/>

Tigers can be seen to have been doing in the photographs. The Government's restriction of humanitarian law may constitute a war crime. Sri Lanka's 2006 Geneva Conventions Act purports to enshrine the conventions in its law but, according to the Rule of Law in Armed Conflict Project at the Geneva Academy of Humanitarian Law and Human Rights, it specifically excluded internal conflicts. Legal experts said, however, that the loophole, designed to exclude the war with the Tamil Tigers, did not exclude Sri Lankan commanders from international prosecution.

AGREEMENTS and CONVENTIONS

1. The Indo-Sri Lanka Peace Accord: The first major agreement, this was signed on July 29, 1987 by Rajiv Gandhi, the then prime minister of India, Junius Jayawardane, the then prime minister of Sri Lanka and the LTTE. According to this pact, the Sri Lankan government agreed to create a separate administrative unit for the northern and eastern Tamil-dominated areas. This Tamil province was to have its own governor and elect its own provincial council with a chief minister and cabinet of ministers. The Sri Lankan Government also agreed to declare a general amnesty and lift the state of emergency.

In return, the armed Tamil groups were to surrender their weapons and return to the political fold. The Indian government in turn agreed not to give any further aid to Tamil fighters and to deploy a peacekeeping force (the IPKF) to supervise the disarming of Tamil groups. The accord collapsed almost immediately after its signing and the IPKF quickly became embroiled in the civil war instead of merely acting as peacekeepers. It pulled out of Sri Lanka in 1990 after three years of conflict. 2. The Ceasefire Agreement

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through Norway Mediation: The ceasefire agreement that lasted the longest was the pact between the LTTE and the government, signed on February 22, 2002 after Norwegian mediation. Under this agreement, Norway and the other Nordic countries agreed to jointly monitor the ceasefire through the Sri Lanka Monitoring Mission.

Despite scores of violations by both sides, the ceasefire lasted for almost five years but finally collapsed on December 3, 2006 when Norway refused to be an intermediary anymore. The Ceasefire Agreement was signed between the government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) on 22nd February, 2002, with the objective of bringing an end to the hostilities, improving the living conditions and restoring normalcy for all inhabitants of Sri Lanka, whether they are Sinhalese, Tamils, Muslims or others, and, finding a negotiated solution to the ongoing ethnic conflict in Sri Lanka. A separate body known as the Sri Lanka Monitoring Mission (SLMM) was created to monitor the CFA. The ceasefire paved the way for six rounds of talks between the GOSL and the LTTE. However, the six rounds of talks ended in failure. The two parties could not implement even temporary measures agreed during these rounds of talks.

3. Lessons Learnt and Reconciliation Commission: LLRC

was a commission of inquiry appointed by Sri Lankan President Mahinda Rajapaksa in May 2010 after the 26-year long civil war in Sri Lanka.

The commission was mandated to investigate the facts and circumstances which led to the failure of the ceasefire agreement made operational on 27 February 2002, the lessons that should be learnt from those events and the institutional, administrative and legislative measures which need to be taken

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in order to prevent any recurrence of such concerns in the future, and to promote further national unity and reconciliation among all communities. The commission concluded that the Sri Lankan military didn't deliberately target civilians but the rebel Liberation Tigers of Tamil Eelam (LTTE) repeatedly violated international humanitarian law. According to the commission the military gave the " highest priority" to protecting civilians whereas the Tamil Tigers had had " no respect for human life".

The LLRC's mandate was to " inquire and report on the following matters that may have taken place during the period between 21st February 2002 and 19th May 2009, namely: i. The facts and circumstances which led to the failure of the Ceasefire Agreement operationalised on 21st February 2002 and the sequence of events that followed thereafter up to the 19th of May 2009; ii. Whether any person, group or institution directly or indirectly bear responsibility in this regard; iii. The lessons we would learn from those events and their attendant concerns in order to ensure that there will be no recurrence; iv. The methodology whereby restitution to pay persons affected by those events or their dependants or their heirs can be effected; v. The institutional, administrative and legislative measures which need to be taken in order to prevent any recurrence of such concerns in the future and to promote further national unity and reconciliation among communities, and to make any such other recommendations with reference to any of the matters that have been inquired into under the terms of the Warrant." The LLRC's recommendations include various constructive measures to foster peace and reconciliation.

It wants the government to supply information on missing persons and detainees to their relatives, take up the investigation of cases of disappearances and abductions seriously, put its heart into the promotion of a trilingual policy, ensure the deployment of Tamil-speaking officers in all offices, curb activities of illegal armed groups, reduce high-security zones (mainly in Palaly and Trincomalee-Sampur), return private lands occupied by the military, and set in motion a process of demilitarisation, including phasing out of the involvement of the security forces in civilian activities and the restoration of civilian administration in the Northern Province. The most contentious of its recommendations is that the state “ascertain more fully” the allegations of human rights violations against the security forces.

Regarding the sensitive question of what language to sing the national anthem in, it stops short of making a specific recommendation and lists two views – to add two lines in Tamil or allow the anthem to be sung in Tamil as was the case earlier. It also wants the government to look into discrimination in education in order to bring about genuine reconciliation.

The LLRC also suggests ways to tackle the vexatious issues of resettlement and genuine reconciliation, including completion of the process of the return of IDPs and refugees to their respective homes and restoration of normal civilian life in affected areas. 4. UN Human Rights Council 19th Session: The United States introduced a draft resolution on Promoting Reconciliation and Accountability in Sri Lanka for consideration and approval by the United Nations Human Rights Council, in its 19th Session, 27th February – 23rd March, 2012. It is a resolution that encourages Sri Lanka to implement the recommendations of its own LLRC and to make concerted efforts at achieving

the kind of meaningful accountability upon which lasting reconciliation efforts can be built.

In addition, this Resolution urges Sri Lanka to work with the Office of the High Commissioner for Human Rights, and draw from helpful expertise the Office can offer. However, the same was highly resisted by Sri Lanka. Leader of the Sri Lanka delegation Minister Mahinda Samarasinghe told the delegates that there is no justification or urgency whatsoever in floating a resolution calling for the implementation of the LLRC's recommendations and engagement with the High Commissioner, when this has already been effectively undertaken by the Government.

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