

Causes of Human Rights Violations and Thirty Decades of Ethnic Conflicts: A Sri Lankan Perspective

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How to cite this article:

AM Jazeel. Causes of Human Rights Violations and Thirty Decades of Ethnic Conflicts: A Sri Lankan Perspective. *J Soc Welfare Manag.* 2019;11(3):329-333.

Abstract

A peaceful and just society could be founded by preserving human rights. Every state is bound to ensure these rights. The failure of the states to protect human rights in the country would eventually lead to the string of anarchy of rule, and the outbreak of insurgencies, and armed conflicts which themselves can, in turn, cause the manifest of human rights infringements. In the arena of human rights, Sri Lanka remains in one of the countries which stand severely accused for alleged a series of violations of human rights and freedoms in the international arena. Despite certain constitutional immunities for violations of fundamental rights, successive governments in Sri Lanka have been accused of indulging in denying the equal social, civil, political and economic rights to the minority communities in the country since post-independence. This paper aims at discussing the statement that the root causes of the conflict in Sri Lanka could be traced to the abuse of collective and individual human rights. It is asserted to re-establish legal mechanism and social norms to protect human rights in relation to the root causes of the conflict in order to further achieve a sustainable peace in the country.

Keywords: Human Rights; Ethnic Conflicts.

Introduction

A peaceful and just society could be founded by protecting both positive and negative human rights. Every state is bound to ensure these rights as well as freedom to their citizens. The failure of a government to protect collective and individual human rights in the country would eventually lead

to the string of anarchy of rule, and the outbreak of insurgencies, and armed conflicts which themselves can, in turn, cause the manifest human rights infringements.

Sri Lanka remains in one of the countries which stand severely accused for the series of violations of human rights and freedoms in the international arena. Despite the constitutional immunities for violations of fundamental rights, the successive governments in Sri Lanka have been accused of indulging in denying the equal social, civil, political and economical rights to the minority communities in the country since post independence. These collective and individual human rights infringements which, if not all, eventually culminated in the outbreak of two decades of protracted ethnic conflicts and JVP insurrections which “so far claimed 55,000 dead, 800,000 internally displaced persons and hundreds of thousands of expatriates among the Tamils” in

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Received on 30.05.2019,

Accepted on 24.07.2019

addition to hundred of cases of disappearances, abductions, torture and arbitrary arrest and detentions (Völker, 2008: 22)

This paper, therefore, attempts to discuss the statement that the root causes of the conflict in Sri Lanka could be traced to the abuse of collective and individual human rights. The first section of the essay deals with the collective human rights violations which evolved the root causes of the ethnic violence and JVP insurrections and the second section of the essay portrays the outright abuses of individual human rights contributed to the evolution, sustainability and the dynamics of the conflicts. The final section concludes the essay asserting the need to re-establish legal mechanism and social norms to protect human rights in relation to the root causes of the conflict in order to further achieve a sustainable peace in the country.

Collective Human Rights Violations and their Root Causes

Though there are still different arguments regarding the root causes for the out break and sustainability of the ethnic conflict and the JVP resurrections, the following causes could be traced to the abuses of collective rights of the Tamil minority and the southern Sinhala youths in the Sri Lankan conflict history (Jazeel and Saravanakumar, 2012):

Declaration of Sinhala as official language

The government of S.W.R.D. Bandaranayke introduced "Sinhala Only Act" by "The Official Language Act. No. 33 of 1956" declaring the "Sinhala shall be the one official language of Ceylon". On the one hand, it is argued that it helped the most of students to study in their mother tongue instead of English medium. However, this Act put an end to equality of status enjoyed by the Tamil language and denied the Tamil speaking peoples' right to language of their own. (Fazil 2005: 167).

Chelvanayakam (2005) also argues that this legislature forced the Tamil speaking students to study in Sinhala, since the Tamil medium schools converted into Sinhala medium and the Tamil speaking public servants had to learn Sinhala for employment opportunities and promotions in their posts.

This legislature was later amended to give the Tamil Language an official language, But still, the Tamil political leaders points out that many a Tamil speaking people from north and east are still unable to use their own language experiencing

sever difficulties in obtaining passports and identity cards, registering their names in voters lists and other official bureaucratic work which are done in Sinhala language (Fazil M.M, 2005: 167).

Government aided colonization and education

Although the Sinhala governments discourse on colonization schemes aimed at developing the agriculture, power generation and irrigation of the country, the state aided colonization schemes carried out in the east made Muslims and "Tamil minority in their home land" (Sitrapalam 2005: 224) and the lawful lands belong to the Muslims and Tamils were granted to the Sinhales brought in from the South.

Mohideen (The Island, 27th December 2007) argues that the government aided Sinhala colonization development projects such as Gal-o-ya, Pannala-o-ya, and Ampalam-o-ya in Ampara district, and Kanthalai, Allai, Muthalikkulam, Pathaviya (part) and Mahadiuluwewa schemes in Trincomalee triggered the sudden increase of Sinhala population and substantial alteration in the ethnic composition in the district. The Muslims and Tamil were denied their legitimate share of "State Lands" granted to the landless people in the Districts of Land alienation in the east. These were the gross violation of their civic rights.

Standardization University Admission

Although "the standardization scheme of 1973 and the district quota system" introduced in the selection of students to the national universities streamlined, in the governments' view, the university intake giving opportunities to the rural students and restricted disproportionate Tamil students' university entrances, it has, undisputedly, reduced the number of Tamil students entering the universities particularly in science. This new system led "the Tamil-medium students to score more marks than Sinhala medium students" to enter the national universities (Gunasekera 2005: 81).

The Tamil medium students who deserved the university admission were denied of their right to higher education. This created a huge army of the unemployed and frustrated the Tamil youths. Most of these "disillusioned youths became supporters of the struggle for a separate state" (Ibid).

Discrimination of national development to North, East and the South

As far as the national developments are concerned,

the successive governments prioritized, after independence, the most of national developments and foreign investments to the Western Province and its suburbs “largely ignoring the North East provinces” and the south (Saminathan. 2005: 120). However, the negligence of North East in development is, in governments discourse, owing to the on-going civil war. Whatever it is, the ethnic conflict obstructed the development initiatives and devastated their economic resources in these areas.

Similarly, the Southern province came under various discriminations politically and administratively in the national developments and employment opportunities in the past. The Southern rural Sinhala youths who were succumbed to the violations of their social and economic rights, rebelled against the State in 1970s and 1980s (Fernando 2002: 160).

Citizenship and disfranchisement

A million of Up-Country Tamils were made stateless by the Citizenship Act. 18 of 1948 and their franchise was stripped of by the Election Amendment Act. No. 48 of 1949 passed in parliament. The plantation Tamils had to live “without any basic human or civil rights” as a result (Liberation Tigers of Tamil Elam, 1980: 293). It is argued that this Act affected not only the only Plantations Tamils, but also the other Tamil speaking minorities in the country. For instance, “those who had Tamil or Muslim names had to submit proof of citizenship in regard to many matters connected with the government” such as employment in public sector; the issues of passports, other travel documents, certificates of citizenship and rice ration books; inclusion of names in the electoral registers, and the registration of transfers of property or shares (Chelvanayakam 2005: 280).

The Outright Abuses of Individual Human Rights and Conflicts

The series of abuses of individual rights can also be included as causes not only for the evolution of conflict but also for the sustainability and dynamics of the armed conflicts in Sri Lanka. Instances of abductions, torture, arbitrary arrest and detentions, and killing have fuelled the conflict. The government, LTTE, JVP youths are all collectively responsible for the past record of individual human rights violations in the country.

After the recent re-escalation of the conflict, the individual human rights situations has

become worse and the state, which is blamed for most of such infringements, failed to protect the individuals in the country. Major root causes of the conflict which originate from the out right abuses of individual human rights are given below.

Disappearances and abductions

The cases of involuntary disappearances and abductions remain increasing since the inception of the ethnic conflict and JVP rebellions. The suspected members of LTTE and JVP rebels and the political opponent of the LTTE were many among those disappeared and abducted. Sri Lanka, the second largest country in the case of disappearances in the world now, records “345 instances countrywide of politically motivated disappearances at the hands of the security forces or by paramilitary forces allegedly tied to the government, or the LTTE”, (The Bureau of Democracy, Human Rights, and Labor, “Sri Lanka: The Country Reports on Human Rights Practices-2006”, <http://www.state.gov/g/drl/rls/hrrpt/2006/78875.htm>, accessed 25 February, 2008).

In addition, the Sri Lankan Human Rights Commission (SLHRC) reports that “33 known abductions in the Colombo district with ransom paid ranging from \$23,251 (rupees 2,526,221) to \$558,035 (rupees 60,630,502). Of those abducted, 12 have not been released although ransom was paid” (Ibid). These reports undisputedly manifest the out rights individual human rights violations connected to the ethnic conflict in the country.

Torture

Despite constitutional provisions and legal prohibition, the cases of torture continue in the background of armed conflict, in the routine police investigations and in the prisons of LTTE and other armed groups. The police are alleged to use several cruel methods of torture to extract admissions and confessions from the detainees arrested under Emergency Regulations before brought to the court. Of 528 arrests made under such regulations during the year, 433 individuals were tortured in police custody during the year 2006 (Ibid).

Political and extra judiciary killings

The political and extra judiciary assassinations are on the increase since the inception conflicts in Sri Lanka. The LTTE and both the paramilitary groups and the underworld gangs sometimes aided by the government are often blamed for such increased political assassinations (Ibid). Even though no

parties in the conflict claimed responsible for such killings, both LTTE and the State put blame on each other for such killings. In the past several Tamil political leaders, LTTE sympathizers, and the Military officials among those killed. After all, the Sri Lankan government, despite the constitutional immunity, if not expressed obviously, to such killings (right to live), argued to have failed to halt such killings and allowed to the abuses of individual human rights.

In addition to the above violations, the individual rights of many Sri Lankan civilians, the freedom from arbitrary arrest and detention, and unfair trial, and being victims of genocides (massacres) which are closely related to the evolution and sustainability of the root causes of the conflict in Sri Lanka are abused.

Conclusion

Most of the root causes which evolved and sustained the conflict in Sri Lanka have originated from the abuses of collective and individual human rights. The poor commitment of governments to protect the positive human rights and the outright abuses of negative human rights aggravated to the violent conflicts and its dynamics.

The instances of declaration of Sinhala as official language, government aided colonization, standardization university admission, discrimination of national development to north, east and south provinces, and citizenship and disfranchisement some of the major root causes of the conflict which failed to protect the civil, political, social and economic rights of the minority in the country.

Similarly, the incidents of disappearances and abductions, torture, the political and extra judiciary assassinations, and arbitrary arrest and detention, have increased the gravity and complexity of the conflict and contributed to its sustainability and spiraling effects.

Although it has been argued that “both war and human rights cannot go together” in the context of armed conflict, both the government and the LTTE must follow the Universal Declaration of Human Rights and the rest of the international instruments which Sri Lanka has subscribed.

In this backdrop, there is a needs of a collective effort of the international community, human rights organizations, the civil society, and the local political parties to pressure the government and

the LTTE to respect the human rights of the people and to re-establish free and fair legal mechanism and social values to protect individual as well as collective human rights to build a democratic society and real sustainable peace in Sri Lanka.

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