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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by the International League for the Rights and  
Liberation of Peoples (LIDLIP), a non-governmental organization in special  
consultative status**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[28 February 2007]

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\* This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

### **Humanitarian and political crisis in Sri Lanka**

The International League for the Rights and Liberation of Peoples (LIDLIP) has been engaged for decades in international fora, not least the United Nations and here especially the Human Rights Commission/Council, to support the struggle of peoples around the world for liberation from oppression. Despite ups and downs, we have kept up hope that at last rhetoric will be translated into action, collective human rights prevail. Today, however, we witness but outright regression. Military might has replaced justice, an unqualified fight against 'terrorism' the struggle for freedom, considerations of state security the advancement of human rights. Unfortunately, this very organization has not escaped this process of silencing the voices of the oppressed. As a result, the subjugated peoples have but one recourse left - to take up arms. Sri Lanka is a case in point.

It is just five years that, facilitated by Norway, a Memorandum of Understanding (MoU) and a ceasefire agreement between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka were signed eventually followed by peace talks. There was optimism that almost twenty years of civil war that had cost more than 65.000 lives, rendered over half a million internally displaced (IDPs) and drove close to a million people as refugees to foreign shores, had finally come to end.

The implication of international actors, their promise of financial aid in line with progress at the negotiating table, the readiness of the LTTE to explore first the possibilities of internal self-determination, seemed to augur well for an eventual settlement ushering into a lasting peace, and a return to the rule of law. Today, all those hopes are in shatters. The ceasefire exists on paper only, conflict has resumed; violence has escalated; the number of dead, and refugees as much as of abductions, extrajudicial killings, and of torture are on the rise.

But more than just a deplorable set-back, the whole attempt to achieve a negotiated peace for war-torn Sri Lanka based on large-scale autonomy has failed. Instead of creating a model for other plural, multi-national societies, the process of durably settling a civil war by successfully negotiating territorial autonomy for minority peoples, if not the whole concept of internal self-determination, has been put into doubt. At least for the Sri Lankan Tamils it is no longer an option; their only salvation lies in an independent state.

What are the causes for this renewed failure? What role has the international community played in these developments? What lessons can be learned?

- *A ceasefire systemically disadvantages the non-state actor.* When they entered into peace talks with the government under international auspices, the LTTE appeared to have at last obtained legitimacy, the Sri Lankans recognition as a people together with the corresponding rights. It proved an illusion despite the lifting of the proscription or the talks being convened in different countries: the war reverted to an internal affair with the government being the sole representative of all the peoples of the island charged to safeguard the sovereignty and territorial integrity of the country. By contrast, the LTTE could be diplomatically sidelined, continued to resort to clandestine military procurement, was powerless against aggression by the army. Thus, the ceasefire itself changed the balance of forces which had been established on the battlefield, and which had effectively obliged the state to come to the negotiating table.

- *The international community, including human rights organizations, favour the state.* Thus, despite being signatory to the two 1966 Conventions on Human Rights and having ratified the 4th Geneva Convention, successive governments of Sri Lanka are responsible of collective punishment of the Tamils, of having indiscriminately bombarded schools, refugee camps, and churches, of having blocked food and medical supplies to the population in the Northeast. Still, despite respective reports no action is taken. By contrast, when eventually sanctions followed rhetorical condemnations, the LTTE was criminalized as terrorist organization, whereas nobody accused Sri Lanka of state terrorism. On the contrary, Sri Lanka has been elected to sit on the new Human Rights Council.
- Sri Lanka has ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Still, considering itself the only true representative of the nation, the Sinhala Buddhist majority has instrumentalized the state to its own advantage whether concerning religion or education, in language or colonization matters. By contrast, the minorities, not least the Sri Lankan Tamils, have collectively been discriminated against. At times, violence against Tamils, even outright pogroms have been enacted with the party in power directly implicated. As a result, the society has been ethnically fragmented, split along the Tamil-Sinhala divide. If Sri Lankan Tamils occupy ministerial posts, they have invariably been nominated, not elected by popular vote. In Sri Lanka, democracy has not served to accommodate divergent peoples, and interests, but represents a *tyranny of the majority* over other ethnic groups.
- Separation of powers, an independent judiciary is considered the hallmark of a democratic system, imperative for the implementation of human rights. As to Sri Lanka, a *politicization* of the administration of law is observed. Not only that constitutionally the independence of the judiciary is not guaranteed, a state of emergency has been in place most of the time giving extraordinary powers to the executive and the security forces. Whatever violation of Sri Lanka's obligation under international law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has occurred, the *systematic impunity* of the security forces has variously been noted. There is disinterest in effective investigation as prominently illustrated last year in the murder of 17 humanitarian workers of 'Action Contre la Faim' or the Commission of Inquiry into abductions, disappearances and extrajudicial killings; the originally proposed group of independent international experts with a wide mandate was soon after changed into simple observers of a purely national commission with limited mandate acting practically under the control of the government.<sup>1</sup> Finally, the 'demerger' of the Northeast, the traditional homeland of the Sri Lankan Tamils, and the stay-order concerning the organization of aid for the tsunami victims because of the implication of the LTTE, are but declarations of war in the guise of the law. One only wonders as to when the United Nations, this Council, precisely in pursuit of its mandate, will not only express concern, but condemn such practices, and insist on reform.
- While for decades, the Tamils have fought for equality and justice first with every peaceful means before taking up arms, neither have they been recognized as a people nor their struggle against oppression and outright racial discrimination been legitimized. Have they not much more suffered, sustained more death and destruction

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<sup>1</sup> Cf. Amnesty International, Sri Lanka November 17, 2006.  
<http://web.amnesty.org/library/print/ENGASA370302006>.

than the Kosovars? How is it that the latter are 'freedom fighters' whereas the Tamils are qualified as 'terrorists'? When will the UN administer the Northeast of Sri Lanka, international armed contingents protect its population against the state's security forces responsible of continued massive violation of human rights and humanitarian law? How come that in the one case the preparedness to explore internal self-determination in an authoritarian state is neither welcomed nor followed through with pressure on the government for serious proposals for decentralization and ethnic self-government, while in the other the sacrosanct principles of international law, sovereignty and territorial integrity of member states, no longer count? No, there is nothing 'unique' about the Serbian province of Kosovo that the Sri Lankan Tamils would not have deserved long ago and many times over. The comparison reveals not only a policy of 'deux poids – deux mesures' undermining the UN as a moral institution; it also undermines its basic political tenet to eliminate war as a means to settle conflicts.

In sum, the lesson all liberation movements have to learn from the Sri Lankan experience is simple: it was a strategic failure of the Liberation Tigers to agree to a cease-fire and enter into negotiations on internal self-determination instead of pressing on with their advantages on the battlefield in pursuit of eventual independence.

If the United Nations, the Human Rights Council, want to regain credibility, moral stature and space for political manoeuvre, both their statist predilection as well as their *a-historic approach* to conflicts will have to be abandoned. Sri Lanka illustrates the point: the causes for the conflict lie in the increasing ethnic politicization of state and society constitutionally enshrined in a centralized state which have inevitably led to militarization and armed conflict. The concerns of the Human Rights Council and the mandates of reports limited as they are in time and content (issue), by contrast, essentially reflect less the roots of conflicts rather than the resulting manifestations of crisis characterized by human rights violations on *both* sides. As such, they represent an impasse, are totally unsuited to open-up perspectives for just solutions.

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