

Sri Lanka – Breaking the Cycle of Violence: Interview with President Nimalka Fernando

IMADR INTERNATIONAL SECRETARIAT

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On January 16, 2008, the Government of Sri Lanka abrogated the ceasefire agreement (CFA) signed in 2002 between the Liberation Tigers of Tamil Ealam (LTTE), throwing the country back into the era of civil war both in name and reality. Since then, the armed conflict between both parties has intensified. There has been a stream of news reports about suicide bombing attacks and air-raids generating civilian casualties in the capital of Colombo and other parts of the country. The following article is an interview with Ms. Nimalka Fernando, Sri Lanka-based lawyer and President of IMADR and its Asia Committee. Together with IMADR's statement on the CFA abrogation and a field mission report about the humanitarian situation in the northwestern Mannar District, we hope it serves to help readers to think about ways to break the cycle of violence.
-(editor)



International Secretariat: First of all, could you tell us how you view the abrogation of the ceasefire agreement as a human rights activist dedicated to the achievement of peace in Sri Lanka?

Nimalka Fernando: You are calling me a human rights activist and a person committed to peace in Sri Lanka. In my own country we are called “traitors” by some sections of the Government and extremist political forces. It is unfortunate that we can no longer speak about a ceasefire agreement. Even though there were problems related to CFA violations both from the side of the Government of Sri Lanka (GOSL) and LTTE, at least the CFA could have facilitated a framework for discussions and I looked at it as a “window of opportunity” to continue the discussion with the LTTE.

IS: What about the impacts on refugees and Internally Displaced Persons (IDPs) whose numbers have been increasing since the deterioration of the situation in 2006?

NF: The present phase of the war arose long before the CFA was abrogated. The war began with the political change that has taken place since 2005. The Manifesto of the UFPA (United People's Freedom Alliance) spoke about abolishing the CFA, and from the time Hon. Mahinda Rajapaksa came to power attempts have been made to create an environment in which the CFA would be abrogated. I do not think it happened as a result of the LTTE violations. The political ideology of the regime used the violations to remove the “checks and balances” brought in by the CFA even if they are at war. Today the present war does not even respect the basic humanitarian laws applicable during wartime.

The GOSL walked into the Kudumbimalai area in the Eastern Province and cleared it. They knew that thousands would be displaced. They did not bother to put into place an effective plan to look after the IDPs. People ran away from shelling and heavy fighting carrying their babies with nothing in their hands. During our visit to the Eastern Province last year, one of the IDPs told me, “Our sole thought was to save



Ruins of bombing attacks (Jaffna, Sri Lanka)

ourselves during the 20 years of this wretched war.” The numbers swelled and people were staying under trees, exposed to sun and rain. Hurriedly the United Nations High Commissioner for Refugees (UNHCR) started to provide tents. This was becoming a scandal to the Government and therefore they began to send the IDPs back to their villages. The area still remains unsafe. IDPs are dependent on meager rations provided by the World Food Programme (WFP), and they have to go through very strict surveillance when coming in and

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out. Special identity cards are issued with pictures of the entire family, and so on. Even today we are being told that, in some villages, those who went back congregate in schools at night because they are afraid to stay inside their own houses. Not all landmines or explosive devices have been removed. Their livelihoods in the form of goats, cattle and paddy land are destroyed by the shelling. It will take at least 2-3 years for them to recover from the losses. But who is giving them compensation for what is lost or looted?

IS: On January 23, President Rajapaksa reportedly received and accepted the proposals for the devolution

of power to provinces, which was developed by the All Party Representative Committee (APRC), appointed by the President to solve the conflict. Could you please give us your current views about the possibilities of a renewed peace agreement?

NF: We need to talk and not just talk. We need a political settlement. What we tend to forget is that the LTTE did agree to find a solution during the earlier peace talks within a united Sri Lanka. They referred to it as “internal self-determination.” Hence we could say that at the point in Oslo 2000 they were prepared to “drop” the word separation. Whether we believe it or not is not the question. For the first time an armed group like LTTE agreed to find a political settlement. This political framework came to the table after almost 20 years of a war. It is very childish to wish that LTTE would agree to something less than a “self-rule” concept to begin with.

The 13th amendment to the Sri Lankan constitution was something thrust on Sri Lanka by India during the 1987 period when there was much violence and starvation in the northern region. It was similar to now. But we could not put into practice the 13th amendment at that time. With every phase of the war the political position of the LTTE has been advanced and it is rather strange that neither President Rajapaksa nor his team of advisors can see this point. This behavior of the present regime is, in my view, tantamount to the majority’s arrogance. This is the “arrogant consensus” of the South with only a few Tamil leaders and political parties like the Karuna faction and EPDP (Eelam Peoples’ Democratic Party), who have to link themselves to any

Sinhala Government in that matter for their survival.

IS: What would you think is most needed now in order to turn around the situation?

NF: A change of the mindset in the Sinhala people, and a change in the political culture which is promoting the war. The donor community should demand greater accountability from the Sri Lankan Government. How many funds have been spent on the war? The defense budget is in the range of billions, which a poor developing country like Sri Lanka cannot afford. We have actually joined the “war on terror” bandwagon to get more funds from the United States and Japan.

IS: In your opinion, what do you think is most required of the international community to bring the conflict to an end and to realize peace in Sri Lanka?

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NF: Unfortunately there is no homogenous group called the “international community.” It is fragmented. For instance, Japan always works with the United States and not with Asian countries. India does not make the us and China offended as it wishes to remain a superpower in the Indian Ocean. The EU stands alone. China and Pakistan assisted Sri Lanka by providing credit lines and purchasing arms in 2006, while India expressed concerns about it. On the other hand, India never spoke about the human rights violations in Sri Lanka. It is difficult therefore to depend on them to assist us, as every single power is advancing its own cause and not helping Sri Lanka.

For instance, it is shameful how political forces have aligned themselves inside the UN Human Rights Council and its predecessor, the UN Commission on Human Rights: the West vs the Asian superpowers, and Sri Lanka seeking help from China which does not recognize the existence of its own minorities. This is a game; an ideological game oblivious to the fact that



IMADR-AC team at an IDP camp in Kantalai

every day 5-10 persons die and disappear in Sri Lanka (though my numbers might be very conservative as we do not have any mechanisms to cross check the data).

IS: Could you please give us your remarks about the present attitudes and standpoints of the Sri Lankan Government and the LTTE respectively?

NF: The GOSL does not recognize the LTTE and considers it a terrorist organization to be crushed and annihilated. The LTTE is waging its war to chase out the occupying forces from its homelands. As long as this situation prevails, nothing, nothing we do or say will prevail on both parties other than what we see and hear now. “So many terrorists killed today,” “so many advancing Government troops killed today.” Or “Tiger shot dead,” “security-post attacked and two soldiers killed”...The stories will go on.

IS: Finally, what in your view are the challenges for civil society?

NF: Sri Lankan civil society has a challenging task to launch a large mobilization to resist the war and all superpower designs to keep us within the clutches of a war. Some foreign countries including India can exploit Sri Lanka as long as we remain vulnerable. Look what is happening in Burma. The military junta has reigned for years. Representatives from India, the world’s largest democracy, are visiting Burma and signing trade agreements. So what hope for change is there in South Asia... 🗣️