

From Violence to Peace: Terrorism and Human Rights in Sri Lanka

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Introduction

In the context of a militarily strong secessionist guerrilla movement actively seeking a negotiated settlement to their goal of a separate state, an examination of the dynamics of terrorism and human rights in Sri Lanka – a country ravaged by terrorism, racial tension and bad governance – is pertinent.

In a global context, while successive regimes have tried to address and then root out the evil of terrorism, the latest efforts spearheaded by America show that many who engage with the problematics of terrorism do not really know what they are dealing with or the implications of what they are doing to address it. Fighting against terrorism has become the facetious *couture* of a seemingly bi-polar world that is either with terrorists or against them. However, rhetoric and action that claim to root out terrorism often disguise the vacuity of anti-terrorism's greatest exponents, who, like weathervanes in a storm, like to self-importantly spin and rattle largely in a world of their own imagination where the causes of terrorism are ignored in the battle against its manifestations, where arrogant self-interests define the borderlines of conflict, and where the difference between an ally or an enemy is judged by the degree of subservience to a *soi-disant* coalition against terror.

Toward a Definition of Terrorism

Although legislation in many countries purportedly addresses terrorism, very few have dared define the word. In its broadest sense terrorism can be thought of as the use or threatened use of force against civilians designed to bring about political or social change. Moreover, while we think of terrorism as being both a political and irrational act (especially suicide terrorism), terrorism can also be thought of as a rational act conducted specifically because of the impact it will have - fear, confusion, submission, and the like.

Today, terrorism must be viewed within the context of the modern nation-state. Indeed, it was the rise of a bureaucratic state that could not be destroyed by the death of one leader that forced terrorists to widen their scope of targets in order to create a public atmosphere of anxiety and undermine confidence in government. This reality is at the heart of the ever more violent terrorism of the last 100 years.

The overwhelming salience of a coherent definition of terrorism must also address the wider socio-economic issues that give rise to terrorism. All we have to do is look at both sides of the Israeli-Palestinian divide to understand that violence, including terrorism by the state, rarely stops further violence as long as underlying societal grievances are not addressed.

Furthermore, definitions of terrorism must tread warily between restricting the freedoms of the individual with legal provisions required to guard against the contingencies and imperatives confronting the state and the primary necessity to protect democratic processes without excessive intrusion into the private domain of the individuals. Maintaining the democratic process, which is the ultimate guarantor of individual liberties and human rights, must be uppermost in any definition of terrorism.¹

A single definition of terrorism then, cannot account for all possible uses of the term. In the context of Sri Lanka, a useful description of terrorism was given by President Chandrika Kumaratunga at the first Madhavrao Scindia Memorial Lecture held in Delhi. Kumaratunga made the insightful observation that terrorism cannot be tackled without addressing its causes. “The tactics of terror and murder cannot...and should certainly not be tolerated by any state or government. The strictest action should be taken efficiently and expeditiously, against all movements and individuals participating in or condoning terrorism as a political strategy. But the causes that have generated such movements must be addressed.” The President went on to say, “the rational political, social and economic aspirations of peoples which, when frustrated continuously, give rise to full blown terrorism of modern day must be sifted out of the process of terrorist actions and looked at separately.”² This is a definition that has not thus far been lucidly articulated by Kumaratunga herself in Sri Lanka. While one could argue that her ‘War for Peace’ strategy was one that tried to isolate terrorists while promoting constitutional reform, the failure of the strategy highlights an important facet of the Sri Lankan state – that dominant power structures rarely address the conflict with a commitment to find the underlying causes for terrorism.

Is There a Link Between Terrorism and Human Rights?

Much of the debate and discussion on human rights focuses primarily on human rights concerns associated with the response of states to activities of nonstate actors. However, we must not ignore the impact of nonstate actors on human rights. As Kalliopi K. Koufa, the UN Special Rapporteur on Terrorism, states in her progress report on human rights and terrorism, “There is probably not a single human right exempt from the impact of terrorism.”³

Sadly, it is only in the aftermath of September 11th that the cynosure of world attention is on how terrorism can affect rights, freedoms, democracy, civil society, rule of law, and economic and social development. Attention the world over is on Camp X-Ray (Guantanamo Bay), the stifling of civil liberties, the harassment of human rights activists and organisations by state and nonstate actors, and the introduction of draconian emergency regulations that undermine civil liberties and human rights. These however are elements that Sri Lanka has had to contend and grapple with in its post-independence history.

Furthermore, the conceptual linkage between human rights and terrorism on the one hand and human rights and conflict resolution and transformation on the

¹ See H.L.D. Mahindapala, *Defining Terrorism*

² For full text of speech, visit www.presidentsl.org

³ Kalliopi K. Koufa, *Human Rights and Terrorism: Progress Report*, June 27, 2001, p. 28

other, is an important one to make. The UN Commission on Human Rights Resolution 2001/37 condemns all acts, methods, and practices of terrorism:

...as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilising legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State.

Post-independence Politics and Terrorism in Sri Lanka

British colonialism is often cited by many scholars as the root cause of conflict. However, one should go beyond a monocausal explanation of the conflict and address the dynamics of Tamil militancy within the contested and multi-faceted socio-political space of Sri Lanka after 1948.

As they did throughout their empire, the British ruled Ceylon by creating an English-speaking elite from among the Sinhalese and the Tamils. Their favoritism engendered an opposition that took racial and religious overtones. The majority of those who had been left out of the elite spoke Sinhalese and were Buddhists, and they began to promote a racist notion of Sinhalese superiority as an 'Aryan race.' After independence it was this Sinhalese-speaking group that gained control of the new state of Sri Lanka and began to exclude Tamils from higher education, jobs, and land mainly by making Sinhala the only official language. Not surprisingly, Tamils resented this discrimination. As the anthropologist Stanley Tambiah has argued, the island's violence is a late-20th century response to colonial and postcolonial policies that relied on a hardened and artificial notion of ethnic boundaries.⁴

This paper argues that denial of human rights does not only occur through active repression, but can also come about through the inability of the state to realize the rights of its citizens, especially in the socio-economic domain. Such 'passive violations' also deepens social cleavages, as one can see in the case of Sri Lanka, and enhances the potential, over a period of time, for militant uprisings and violent conflict. Contested access and the privileging of the few or the majority to political space often creates radical divisions and tensions in societies. Galtung explains this as 'structural violence,' situations where injustice, repression, and exploitation are built into the fundamental structures of society, and where individuals or groups are marginalised due to differential access to social resources built into the social fabric of a country.⁵

The beginnings of terrorism in Sri Lanka are inextricably entwined with the activities of the State. For 30 years starting in the mid-1940s, successive governments took measures to reduce the number of Tamils in the professions and the public sector. These measures interacted in diverse and complex ways with a potent Sinhala Buddhist exclusivism that gradually became the animating ideology of the Sri Lankan

⁴ S.J. Tambiah, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy*, University of Chicago Press, 1986. For a different insight into the culture of violence in Sri Lanka, see Bruce Kapferer, *Legends of People, Myths of State*, Smithsonian Institution Press, 1988.

⁵ Johan Galtung, *Violence, Peace and Peace Research*, Journal of Peace Research, Vol. 6, pp. 167-91

state. Particularly among the arriviste, lower caste Sinhalese, the spread of anti-Tamil chauvinism was soon perceived as a promising means of increasing economic opportunity. As time passed, the electoral promise of pandering to this chauvinism tempted even the most cosmopolitan of Sinhalese politicians.

Arguably, the most adverse legislation for Tamils came from the language policy of S.W.R.D Bandaranaike's government. The introduction of the 1956 'Sinhala Only' Act, which replaced English with Sinhala as the language of official government business, clearly disadvantaged large numbers of Tamils. Its effect was compounded by widespread protests in Tamil areas in which school principals would not allow the teaching of Sinhala while school children refused to study the language.

The final straw for Tamils, however, was the introduction in the early 1970s of communal quotas for university entrance. This led to the exclusion of merit-worthy Tamil students and it was this that set the ethnic powder keg alight. With 'standardisation' it became clear the Tamils had lost the education and employment opportunities that had conditioned their commitment to a unitary Ceylon in the first place. Large numbers of young Tamils came to the conclusion their socio-economic aspirations could only be fulfilled within a separate Tamil state.

The bloody terrorism that has ravaged Sri Lanka since 1983 is fuelled by the refusal of many Tamils to operate within a state system that denies them political power, employment, and educational opportunities while engendering socio-economic disparity.

Distinction, however, has to be made between the terrorism of the LTTE and the aspirations of the Tamil people. The desire of the majority of Tamil people is to live with dignity and equality within a united Sri Lanka. The LTTE, on the other hand, believe a state of Eelam will best guarantee the equality and dignity of Tamils in the Northeast. While the terrorism of the LTTE against the state is symptomatic of the chutzpah of the Sri Lankan state, which for decades ignored or undermined the aspirations of the Tamil people, it cannot be equated with the aspirations of the Tamil peoples who, while recognizing the primacy of the LTTE in the Northeast, do not support its *modus operandi* by rote.

State Religion and Conflict

Entwined with the political ideology and communitarian hagiography in Sri Lanka, is the problematic of Buddhism and its relations with the State. While Buddhist orthodoxy tends to promote the renunciation of all worldly concerns, there remains significant theological latitude for individual monks to engage in political activity that aims to reform society 'for the good.' Since independence, Sri Lankan Buddhist leaders have been active in the political arena whenever they felt it appropriate, particularly on issues relating to the pre-eminence of the Buddhist faith and the territorial integrity of Sri Lanka.

On these issues, and others such as language, the Buddhist clergy have exerted a particularly powerful influence in Sri Lankan political life. In 1951, resolutions of the All Ceylon Buddhist Congress to the Prime Minister included a statement that

“the...government is legally and morally bound to protect and maintain Buddhism and Buddhist institutions.” It also demanded the restoration of Buddhism to “the paramount position of prestige which rightfully belongs to it.” Since independence, all governments have jockeyed for the favour of Sinhala Buddhists.

It must be remembered, however, that Sri Lankan Buddhists strongly believe they have a duty to protect and uphold their faith in Sri Lanka. From the tinnituses of political leaders who, in the name of preserving the hegemony of Buddhism in Sri Lanka have deferred to the Sangha as much as they have manipulated them, to the attitude of the Buddhist clergy, the primacy given to Buddhism has proven inimical to the interests and aspirations of Tamils in Sri Lanka. This Sinhala-Buddhist mentality, which has informed and shaped post-independence politics in Sri Lanka, has engendered intolerance in polity and society and carries a large burden of responsibility for the current ethno-politic conflict.

Final Thoughts

The ramifying evil of terrorism, according to Michael Walzer, is not just the killing of innocent people but also the intrusion of fear into everyday life, the violation of private purposes, the insecurity of public spaces and the endless coerciveness of precaution.⁶ He also argues against a fundamental principle of terrorism – that it is the last resort of an underprivileged and discriminated peoples to overturn and change dominant political structures. Walzer says it is not easy to reach the last resort. Politics, he states, is the art of repetition, and terrorists often conveniently forget that it sometimes takes much more than one attempt to democratically change the prevailing structures of governance.

In Sri Lanka, it is now passé to say the repetitive and continued discrimination against Tamils fostered the terrorist movement. What have to be recognized now are the limitations of terrorism. Terrorists and terrorism can never engender values of a liberal democracy, pluralism, or human rights. Such values are the realm of democratic mainstream politics. Terrorists, both in Sri Lanka and in the world, have to realize that true peace, justice, and equality are not achieved through the barrel of a gun.

We must also remember that a negotiated agreement or a peace process that address the symptoms of violent conflict must include provisions for future processes toward institution-building and transformation if they are to be sustainable. If they are merely concerned with ending hostilities but do not address the core cause of the underlying conflict, they will only be of temporary value. Institutionalizing respect for human rights - through for example an independent judiciary, an independent Human Rights Commission, and the constitutional entrenchment and animated application of fundamental rights – ensures that such human rights values inform and shape, and are an integral part of, conflict transformation processes.

In the present context, both the State and the LTTE have much to lose if the present peace process breaks down. Both have to recognize that indifference to historical antecedents, the international context, and the aspirations of all communities

⁶ Michael Walzer, 'Excusing Terror', *The American Prospect*, Vol. 12 No. 18, 2001.

in Sri Lanka, could irrevocably plunge Sri Lanka into a vortex of bitterness, mistrust, mutual acrimony, and violence from which there could very well be no return. Finally, human rights activists must actively advocate the pivotal importance of human rights in processes of conflict transformation and constitutional reform, cautioning governments against easy solutions that ignore or undermine the central role of human rights within the space of democratic governance.

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