

For Immediate Release

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## **SLDF Calls for National Attention on Demilitarization and a Political Solution**

### **Introduction**

Eight months after the end of the war, and despite upcoming national elections, no meaningful action has been taken to address the political problems that have plagued Sri Lanka since independence and that are the root causes of the last twenty-five years of war. Sri Lanka Democracy Forum (SLDF) is deeply concerned that the Rajapaksa government has failed to address the humanitarian plight and political concerns of minorities. Instead, this government has attempted only to cynically consolidate its own power base by continuing the authoritarian and repressive measures that came with the war. In the months since the war ended, Tamils and other minorities have been further alienated; they remain bitter and continue to distrust the State. The polarisation and alienation of Sri Lanka's communities caused by the physical and social devastation of war can only be addressed through a process of democratisation and a political settlement.

The Government's victory over the LTTE came at an unacceptable and incalculable cost to civilians because the government single mindedly pursued the defeat of the LTTE. However, in spite of the terrible humanitarian tragedy that marked the final stages of the conflict, the end of the war carried with it a fragile hope for peace, justice, and democracy. At this late stage, the process of building a nation where Sri Lankans from all ethnic and religious communities can live together as equal citizens needs to become the priority. To this end, SLDF demands that this and any future Government:

- immediately address the humanitarian concerns of, and introduce a credible process of resettlement for, all the war-displaced;
- immediately address pressing human rights concerns and end the climate of impunity, which includes repealing the Prevention of Terrorism Act and lifting the state of Emergency;
- begin the process of post-war demilitarisation, including dismantling the High Security Zones, demobilisation, and drastically reducing the size of the armed forces;
- pursue reconstruction and development initiatives in an equitable fashion with local participation, which empowers the people at all levels of society and which gives all Sri Lankans a stake in peace;
- implement the Constitutional provisions in the 13<sup>th</sup> and 17<sup>th</sup> Amendments in full;
- move on a permanent political solution to the problems facing the country - and the minorities in particular - through far-reaching state reform and constitutional change. This requires substantial devolution of power to the regions and power-sharing at the centre, and ending the centralised rule embedded in the Executive Presidency and the unitary structure of the state.

### **Political Reconciliation and a Constitutional Solution**

For decades, it has been recognised that only a permanent political solution will redress the grievances of minorities, and create the foundations for a pluralistic, multi-ethnic society. However, in the final years of the conflict, and even after the war ended, the government showed little interest in a constitutional political solution and in fact tried to bury it. The two major candidates in the upcoming presidential elections have been silent, if not regressive, on the issue of a far-reaching political settlement. Promises of ensuring freedom and equality without a credible political process are bound to be empty. Sri Lanka's post-Independence history reveals the pitfalls of majoritarian democracy and the resulting majoritarian state. Any serious attempt at political reconciliation must focus on the grievances of minorities and the urgent need for fundamental state reform. The confidence and trust inspired by this process is required for the long path towards remedying the nationalist mobilisation, virulent war propaganda and poisonous political rhetoric that have scarred relations between different communities.

SLDF calls for significant constitutional changes. These changes should address the centralisation of power inherent to the unitary structure of the state and the Executive Presidency, both of which have authoritarian tendencies. There needs to be substantial devolution of power to the regions, the independence and non-interference of which can only be ensured under a non-unitary structure of the state. Furthermore, the concerns of the minorities should also be addressed at the centre through due representation in a bicameral legislature.

SLDF also calls for the immediate and full implementation of existing provisions in the constitution that can address the needs of devolution and governance reform. The 17<sup>th</sup> Amendment, by constituting the Constitutional Council, will help ensure the independent functioning of the National Police Commission, the Judicial Services Commission, the Public Services Commission, and the National Human Rights Commission. Second, the full implementation of the 13<sup>th</sup> Amendment will be an important first step to begin the process of devolving powers to the region.

### **Demilitarisation and Democratisation**

The Government attributed its increasingly repressive measures to the exigencies of war and the security threat posed by the LTTE. The LTTE has decisively been eliminated, and yet these measures have not abated. The Government should signal a break from the past and immediately repeal the Prevention of Terrorism Act (PTA) and lift the state of emergency. The PTA and Emergency rule have been in place for over thirty years, and have contributed to the steady erosion of rule of law in Sri Lanka, inhibited reform of the judiciary and police, and resulted in the abuse of state power. Such abuses have had a disproportionate impact on the North and East, and minority communities in particular.

Demilitarisation is an essential pre-requisite to democratisation. To this end, SLDF calls on the Government to dismantle the High Security Zones (HSZs), demobilise and reduce the size of the military, and cut defense spending. Expanding the military is the prerogative of a state in a time of war, and any process of post-war democratisation should prioritize demilitarisation. Political

rhetoric in the country about the discipline of the military and its possible role in reconstruction come with the dangers of authoritarianism.

### **Humanitarian Concerns: Internment and Resettlement**

The Government conducted the war without anything approaching adequate regard for civilian lives. Instead, it focused single-mindedly on defeating the LTTE and paid scant attention to the thousands of civilians trapped in the fighting, and who lost their lives, limbs, and loved ones. The LTTE showed a similar disregard for the welfare of civilians, with consistent and credible accounts that they fired at civilians fleeing the conflict. Indeed, there are serious allegations of war crimes and other serious breaches of international law committed by both sides against civilians trapped by the fighting.

The Government's disregard for Tamil civilians continued in the aftermath of the military defeat of the LTTE. The most shameful demonstration of this was the detention of hundreds of thousands of internally displaced persons (IDPs) in internment camps. Traumatized civilians who survived the final months of fighting were deprived of any freedom of movement, and were detained in extremely poor conditions. The Government claimed - throughout the months following the war, and in assurances to the UN and in a joint statement with India - that it will resettle the bulk of the IDPs by the end of 2009. The long awaited freedom of movement only came in December 2009. But, what is now amply clear is that the Government has not considered approach to the issue of resettlement of the IDPs. Sources working with IDPs claim that only about 40,000 people have begun the difficult process of resettlement in the Vanni. An estimated 80,000 IDPs are now living in Jaffna Peninsula to avoid the trauma of remaining in the places of their previous internment. Furthermore, close to 80,000 people continue to reside in the camps that the Government claims it wants to close by the end of January 2010.

In addition, approximately 12,000 individuals are being held in separate detention facilities on the basis of alleged ties to the LTTE. These detainees are being held in unidentified and irregular facilities to which even the ICRC has been denied access, in breach of international law, and without access to the judicial process required by Sri Lankan law. Sri Lanka's worrying history of torture, extrajudicial detention and extrajudicial killings raises serious concerns about the conditions of the detained, regardless of their past role or affiliation to the LTTE.

The decades of war have seen multiple bouts of displacement and eviction of not only the Tamil community, but also the Muslim and Sinhala communities. The process of resettlement has to be open to addressing the concerns of all communities and has to be done in the spirit of reconciliation to foster inter-ethnic relations, where access to lands, waters and resources are bound to be fraught with local grievances.

### **Human Rights Concerns: Impunity and Attacks on Media**

The decades of war have resulted in a climate of fear and impunity. Virulent rhetoric and threats have been used to silence any serious discussion about past and ongoing human rights abuses. Indeed, the inability of domestic mechanisms and local movements to address these human rights concerns has brought international attention on Sri Lanka's troubling record of human rights.

# S R I L A N K A D E M O C R A C Y F O R U M

Australia Canada France Germany India Japan Netherlands Norway United Kingdom United States  
e-mail: [contact@lankademocracy.org](mailto:contact@lankademocracy.org) fax#: 00-1-646-349-1182 website: [www.srilankademocracy.org](http://www.srilankademocracy.org)

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If there is to be reconciliation, any society devastated by war needs to go through the difficult process of addressing past violations and must provide the space for people to speak about their suffering and the abuses they faced. The Government has consistently suppressed the truth and demonstrated its unwillingness to take human rights concerns seriously. This is evident from the Government's interference in many of the commissions it has itself appointed, and their resulting failure, including the much internationalised Commission of Inquiry on sixteen grave human rights abuses. The extrajudicial killing of five youth in Trincomalee on 2 January 2006 and the massacre of seventeen ACF aid workers in Muttur on 4 August 2006 are cases in which, despite credible evidence pointing to specific perpetrators, no progress has been made due to state interference. The lack of credibility of Government-appointed commissions has prompted calls for international commissions including war crimes investigations, setting Sri Lanka further on a confrontational path with international actors and the United Nations.

In the context of the failures of domestic human rights mechanisms over the decades and with a view towards building a human rights culture in the country with justice towards all, there is a need for credible international investigations into grave human rights abuses and war crimes committed throughout the decades of war, including to address the thousands of civilians killed during the last months of the war. International investigations under the auspices of the United Nations will be far more impartial than any domestic process in the near future. It is imperative that these investigations be credible to all communities in Sri Lanka if they are to remedy the alienation and bitterness caused by the brutalities of war. However, past experience has shown that international investigations can crowd out domestic processes and actors, to the detriment of fostering a domestic culture of human rights. Moreover, international investigations are themselves subject to the vagaries of the changing political interests and priorities of international actors. As such, international investigations should work with a range of actors inside Sri Lanka, including the state structures, the broader public and particularly those citizens of Sri Lanka whose kith and kin bore the brunt of the decades of war.

During various cycles of the past thirty years of war, criticism and dissent have ruthlessly been silenced by the Government, the LTTE, and other armed actors. One of the first casualties of the recent military campaign was - and remains - media freedom. The Government suppressed critical and balanced coverage of its war effort, keeping Southern constituencies ignorant of the costs of its campaign and preventing them from holding it to account. An open, critical, and vigilant media is necessary for the emergence of a democratic and pluralistic Sri Lanka. To this end, the Government should prioritize independent investigations into the killings and physical assaults on journalists. The Government should also ensure that state institutions, including the police, stop abusing their powers through the intimidation and harassment of journalists and dissenting opinion makers.

## **Reconstruction and Development**

The Government's approach to post-war reconciliation has been to emphasise solely the reconstruction of the North and East, in a centralised process which has been driven by Colombo. Any process of reconstruction that does not address human rights and political concerns, and allow for the participation of local communities, is bound to fail.

While the Government is focused on building infrastructure in a centralised manner, it must work with the UN in a transparent process that provides greater confidence and addresses the concerns of people of the North. The livelihoods of farming and fisher communities are being undermined by their need for better access to lands and seas in the North. Also, there is a prevalent feeling in the North that it is being treated merely as a passive market for Southern goods, that investment in Northern communities is lacking, and that there is no process for their participation in the reconstruction and development initiatives. Employment creation for those who lost their livelihoods due to the war is a priority, and it should not be subject to the vagaries of state patronage. Any centralised process of reconstruction without adequate local and minority representation is likely to be detrimental to inter-ethnic relations in the future.

### **Conclusion**

The Government's conduct during the final months of the war, and in its aftermath, has served only to alienate minorities from the Sri Lankan state. Indeed, the promise to make serious efforts towards reconciliation and the forging of a political solution has not been kept. The Government has demonstrated a lack of vision and resolve on fostering reconciliation among the different communities of Sri Lanka, all of which have suffered during the twenty-five years of war.

Following the upcoming elections, and regardless of who is elected, the Government should move immediately on demilitarisation, address the concerns of the displaced, and put in place the necessary mechanisms to arrest impunity and the abuse of power. And, it should address urgent reconstruction and development needs with a view towards enhancing reconciliation, which should also motivate its efforts at redressing impunity and repealing repressive legislation. Finally, the Government should embark on an agenda of major constitutional reform that devolves power to the regions and power-sharing at the centre and guarantees that all Sri Lankans, regardless of their ethnic or religious identity, are equal and free citizens.

SLDF is concerned that neither of the major candidates has addressed the two most pressing needs facing the country in their election campaigns: demilitarisation and a political settlement. The elections have opened up space for dissent and the raising of political issues, and this space has to be expanded through a process of democratization. Moreover, issues that are not being raised by politicians have to be raised by others in the public sphere. In that context, civil society actors comprising academics, religious clergy, journalists and activists concerned about rights, pluralism and democratisation, have to take the lead in challenging those at the helm of state power to address these important issues. The suffering that the peoples of Sri Lanka have faced throughout the decades of war calls for such a national focus to ensure a sustainable and just peace.

### ***Sri Lanka Democracy Forum***

*SLDF Statements are drafted by its twenty member Steering Committee.*

***Sri Lanka Democracy Forum Mission Statement***

*Sri Lanka Democracy Forum is a community that shares a commitment to a democratic and pluralistic vision of Sri Lanka. We recognize that in addition to the loss of lives, the costs of war also entailed the erosion of democracy, the demobilization of pluralistic and independent social movements, and the further victimization of marginalized communities. In that context, we believe that movement towards a just and sustainable peace must be accompanied by the reconstruction of a democratic community that protects and promotes social justice, and the individual and collective rights and freedoms of all communities in Sri Lanka. We are in solidarity with, and have a commitment to support the efforts of marginalized communities to address past injustices, whether such injustice was based on the suppression of dissent, economic disempowerment, and/or on ethnic, gender or caste discrimination at the national or regional level. Among other efforts, we seek to proactively support grass roots movements that seek to expand and revitalize conditions for a vibrant, pluralistic and independent civil society that nurtures freedom of conscience, diverse political affiliations and an independent media. Thus, we believe that the terrain for engagement is not merely macro-political policy, but also economic decision-making, cultural production, and diverse local struggles furthering democratization in all spheres of life.*

*The Sri Lanka Democracy Forum had its inaugural meeting in Toronto, Canada in 2002.*