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Moving in the Open Daylight

Nicola Colbran

Norwegian Centre for Human Rights

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Moving in the Open Daylight

Abstract

The road ahead for Sri Lanka is certainly not easy. Although the government has declared that the LTTE (Liberation Tigers of Tamil Eelam) has been defeated, this “victory” has come at a high cost for civilian lives and democratic values. Decades of instability and violence have given rise to deep rooted and sustained human rights violations. Thousands of Sri Lankans have been displaced, killed or wounded, and are malnourished and traumatized after months of extended fighting between the two sides.

Keywords

Human rights, Sri Lanka, Civil war, Liberation Tigers of Tamil Eelam, Peace, Reconciliation

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Moving in the Open Daylight

by Nicola Colbran

“The road to peace is never easy, and it is sometimes dangerous. The world desperately needs people who will have the wisdom and the courage to travel that road, and to insist that their governments make no detours around it.”

Statement by [H.V. Evatt](#), President of the United Nations General Assembly in 1948. As the Sri Lankan case indicates, these words are as compelling today as when they were originally stated in 1950.

The road ahead for Sri Lanka is certainly not easy. Although the government has declared that the LTTE (Liberation Tigers of Tamil Eelam) has been defeated, this “victory” has come at a high cost for civilian lives and democratic values. Decades of instability and violence have given rise to deep rooted and sustained human rights violations. Thousands of Sri Lankans have been displaced, killed or wounded, and are malnourished and traumatized after months of extended fighting between the two sides. Future conflicts over land and development appear inevitable in the north and east of the country. The government still needs to devise a political and constitutional settlement addressing the long-standing concerns of Tamils and other minorities, while gaining approval of the Sinhala majority. The ultimate challenge is to ensure that “ [Sri Lankans of all communities, including the Tamils, can feel at home and lead lives of dignity of their own free will.](#)”

The road to peace will undoubtedly involve the need to address the complex causes of the conflict, as well as triggers that may undermine progress towards peace. Much of this will involve commitment to addressing sensitive issues such as ethnicity, religion, political participation, land distribution and economics. The extensive number of civilian casualties sustained during the fighting also needs investigation. All parties must be willing to commit themselves to a peaceful, comprehensive and sustainable post-conflict solution.

Human rights will play an important role in this road to peace by providing a politically and ethnically neutral set of principles for negotiation and fostering trust. Human rights can also offer a framework for commitment to a lasting and just peace. While acknowledging the fundamental differences between Aceh and Sri Lanka, human rights formed a vital component of the [Memorandum of Understanding](#) (MoU) signed by the government of Indonesia and the Free Aceh Movement in 2005. The MoU emphasized the need for political participation by the Acehnese and strengthening the rule of law, as well as the need to secure the economic rights of former combatants, political prisoners and affected civilians. It also acknowledged the commitment of the Indonesian government to the International Covenants on [Civil and Political Rights](#), and [Economic, Social and Cultural Rights](#). Sri Lanka has also ratified these Covenants, which mandate the enjoyment of rights such as the right to political participation, freedom of expression and movement, the right to food, water and housing, without distinction of any kind.

It is the government of Sri Lanka that must (and must be seen to) take the vital steps of respecting, protecting and fulfilling such basic rights for all. This will include guaranteeing free and fair provincial elections, freedom of movement for internally displaced persons once they

have completed security screenings, and the rule of law that needs to be re-established throughout the country. It will also mean new and equitable land titling, distribution and policies for conflict resolution. Participation is also a cornerstone of human rights, especially important are information flows that facilitate meaningful public consultation. The international community, in particular multilateral donors, should continue to stress the important role that international humanitarian and development workers can play. Local NGOs and community activists must also play a vital role in ensuring that there are no detours around the road to peace.

At the same time, according to the [International Crisis Group](#), donors and development agencies need to “establish stronger procedures to understand the political dynamics in the east and in the north and to monitor the effects and uses of their development projects, so as to limit the risk that their assistance will aggravate existing conflicts or provoke new ones.” Given the relief expressed by [international organizations](#) and [foreign governments](#) at the final stage of military operations, it would be nothing short of a tragedy if the international community in fact contributed to the aggravation of existing conflicts and the provocation of new ones.

On May 19, 2009, the President of Sri Lanka, Mahinda Rajapaksa began the long road to peace on a conciliatory tone, starting his [victory speech to parliament](#) in Tamil. He stated: “We should live in this country as children of one mother. No differences of race, caste and religion should prevail here... All the people of this country should live in safety without fear and suspicion. All should live with equal rights. That is my aim. Let us all get together and build up this nation.” The emphasis on human rights is clear here. The road ahead also needs such clarity to ensure mutual confidence and trust, and the achievement of a peaceful, comprehensive and sustainable solution to the conflict with dignity for all.

Nicola Colbran is the legal advisor to the Indonesia Programme at the Norwegian Centre for Human Rights. In this capacity she coordinates and conducts human rights trainings in cooperation with Indonesian partners (government, NGOs and academia), and also researches and writes widely on human rights and Indonesia.