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The War Goes On - No Reconciliation at This Stage

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Abstract

The victorious Sri Lankan President Mahinda Rajapaska has been quite bold to pass a reconciliation note after he declared the thirty year war over. Can he be taken seriously?

Keywords

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

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The War Goes On - No Reconciliation at this Stage

by Anja Mihr

The victorious Sri Lankan President Mahinda Rajapaska has been quite bold to pass a reconciliation note after he declared the thirty year war over. Can he be taken seriously?

Little credibility can be given to a government that over the past years and months, has persecuted, killed, tortured or imprisoned thousands of Tamil civilians, including politicians and intellectuals such as lawyers, teachers, professors or journalists, that could play a key role in any reconciliation process. Now that the Liberation Tigers of Tamil Eelam (LTTE) has been officially defeated and most of their leaders killed, it is hard to find adequate partners for a diverse and representative council that could set up any process deserving the title “reconciliation.” Less so, since most recently the government has increased its military force by 50 percent, up to 300,000 (well paid) soldiers now keep hundreds of thousands of displaced civilian Tamils as “hostages” in camps; that makes one soldier per civilian in the refugee camps in the north of the island. That kind of “governmental reform” certainly leans in the opposite direction of the tone Rajapaska struck in his reconciliation note from May.

What Ghosh has cited is true, that modern military wisdom has shown that political freedoms and economic growth foster reconciliation and peace in society much more quickly than increasing military forces in the name of “security” or “war on terror.” In order to do so, an equally composed transition commission, party pluralism and free elections ought to be considered. These objectives can be realized only if the financial means are provided for the return of refugees to their homes and to support them to make their own livings. This is the slow but most sustainable way to rebuild trust in the political institutions of a hostile government. Then elections could be held—why else does one want to hold elections if not for establishing a true democracy? All these processes and the goal of achieving civic trust, will take a generation or longer, but one has to make serious efforts to prevent violence, revenge and thus insurgencies from dominating social life again.

Stabilizing the country, however, without openly taking responsibility for the human rights violations committed against civilians [under the Geneva conventions and its main protocols](#) that have been ratified by the Sri Lankan government a long time ago, will lead to unrest in society. To recall the country’s international commitments could foster the process of transitional justice and implement the rule of law and thus strengthen democratic institutions. International human rights and humanitarian law can serve as a basis to assess past decades of war in which both sides, the government and the Tamil Tigers alike, have committed atrocities by purposefully killing civilians and thus committing serious war crimes, crimes against humanity and human rights violations. Both sides have been terrorizing the population and therefore neither trust political institutions nor can trust among the different ethnic groups be easily regained. To re-establish civic trust will take some time. Ban Ki-moon’s warning is well highlighted by Perera when he says that if social inclusion is not a priority from the beginning of any reconciliation process, history will repeat itself. And since there is no intention to do so, the atrocities will most likely repeat themselves soon and the war will go on.

In the current UN International Year of Reconciliation 2009, post-conflict and war torn societies receive more attention than ever from international organizations and NGOs. Based on their experiences, these agencies proclaim that the respect for and the implementation of international human rights and humanitarian law are prerequisites for any process of accountability and justice, and for the re-establishment of the rule of law, trust in civic institutions and stability of a country. This is not peanuts! It postulates strong commitments by all political and social groups for institutional changes and democracy. It means citizens' rights and human rights for all groups regardless of their ethnic backgrounds as well as equal opportunities and access to resources and justice. It means free and fair elections and participation in the political decision making process. In consequence it would mean a total change of governmental policies and thus a loss of absolute power of the current president.

Under these conditions one is wondering whether we can take any of Mr. Rajapaska's proclamation seriously. Instead, he strengthens his military dictatorship, increases persecution, imprisons hundreds of thousands of civilians and justifies the expulsion of international observers, embassy members, members of international organization and NGOs from the country. Ban Ki-moon was far too polite when he warned against the vicious circle of violence. One could add that Sri Lanka is still a long way from stepping out of the circle that it has already been in for decades, unless it stops applying martial law at all levels at any times.

Anja Mihr is appointed Associate Professor at the Netherlands Institute for Human Rights (SIM), University of Utrecht, Netherlands. In her latest research she is focusing on Transitional Justice, Reconciliation, Human Rights and Democratization. She was Visiting Professor for Human Rights at Peking University Law School in China and worked for the Raoul Wallenberg Research Institute on Human Rights, Lund University. From 2006-2008 she was the European Program Director for the European Master Degree in Human Rights and Democratization at the European Inter-University Centre for Human Rights in Venice, Italy. She has been a researcher and lecturer at universities in Germany, USA, Spain, Finland and Armenia and published widely on the international human rights regime, human rights education, democratization and reconciliation: www.anjamih.com.