

# Ethnic Discrimination and Conflict in Srilanka: Liberation Movement and Rights Violation

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Rights are the foundational principles of all human communities invariable of religion, Caste, Color and other divisive factors. Nonetheless, rights are natural, stated Aristotle. State exists for the betterment of the human communities and subjects abide by the rules and regulations for prioritizing the common interest. Srilanka, an island Nation was highly victimized by the ethnic conflict severely since from the initial part of 1980's. Tamil minorities, who migrated from India for rubber plantations were discriminated in all aspects, which caused separatist tendency among both Sinhalese and Tamils as well. Liberation movements were started and divisive opinions were scattered as propaganda. In the aftermath of the decimation of the liberation organization with the military option, tamils are stamped as Internally displaced people (IDP). In this junction, this paper intends to analyze the existing conditions of srilankan Tamils and subsequently to trace the historical background of conflicts between majority and migrated communities

## *Background the ethnic conflict in Sri Lanka*

Background the ethnic conflict in Sri Lanka has many root causes and consequences that are closely inter-linked. However, given its complexities, it should not be assumed that these causes are part of linear historical processes where one event led to another. Often many of the issues that may be regarded as root causes arose within a single but extended context and equally as often, simultaneously. It is primarily within the context of ethnic politics that language and education policy can be located. However, for discussion purposes it is necessary to separate these issues as clearly identifiable themes that would emerge in any analysis of the Sri Lankan conflict. In general, these themes can be broadly identified as:

- Ethnic politics and the interpretation of the past;
- Politics of language;
- Politics of education; and
- Other factors, including employment and land.

Demographic Patterns Sri Lankan society is an ethno-religious mosaic and within the ethnic groups, there are clear religious divisions as well. To a certain extent, ethnicity and religion also have a regional basis, which is a significant reason why the Tamil militancy has a strong geographical dimension, which extended to the demand of a separate independent state. Of the ethnic and religious groups, Tamil Hindus predominate in the Northern Province and maintain a significant presence in the Eastern Province. The Eastern Province is an ethnically mixed area where Tamils, Muslims and Sinhalese are found in sizeable numbers even though Tamils have a slightly higher statistical edge. Indian Tamils—the descendants of laborers brought from Southern India by the British in the 19th century to work on tea and coffee estates—are concentrated in parts of the Central, Uva and Sabaragamuwa Provinces. Sinhalese Buddhists predominate in all parts of the country except the Northern and Eastern Provinces. Muslims have a significant concentration in the Eastern Province, but generally are scattered throughout the country. Christians maintain a significant presence in the coastal areas as a result of over 500 years of constant European colonial presence and the consequent Christianization of significant numbers of the population in these areas. However, Christians are found in all parts of the country in small numbers. Malays are mostly concentrated in and around the city of Colombo and the Western Province. By the time Sri Lanka achieved independence in 1948 from the UK, there were expectations that the country would become a model democracy. Universal adult franchise had been

introduced in the 1931, democratic institutions and traditions had been in place and political violence was not an issue. Moreover, by the 1950s literacy in Sri Lanka was on the rise and there were no serious indicators of economic or social catastrophes of the years to come. However, even before independence, there were clear indications of ethnic politics that were to emerge later.

The Emergence of Ethnic Politics Relations between Tamils and Sinhalese have not always or consistently been antagonistic. This happened only in times of external threats from South India after the formulation of clear Sinhalese and Tamil ethnic or cultural identities in the 9th (or 12th) century. These wars were wars of dominance fought between regional rulers and were not 'race' wars as defined later. Historical chronicles compiled by Sinhalese Buddhist monks defined these wars as campaigns undertaken to protect Buddhism and the Sinhalese nation. Mainly reinforced by formal education, many Sinhalese accept these problematic interpretations as fact today. In the eyes of many Sri Lankans, these interpretations seem to suggest a long and bloody tradition in which hope for reconciliation is minimal. Significantly, these interpretations—with their potent and emotional contents—have also found their way into school textbooks, which is an important aspect of social and political socialization in contemporary Sri Lanka. Forces of Sinhalese nationalism perpetuating notions of eternal conflict with Tamils had been gathering strength since before independence. Many of them were Sinhalese-educated rural people whose nationalist aspirations for cultural transformation, power and status did not automatically materialize with independence. Soon after independence it was clear that a conflict was emerging between Sinhalese-educated rural elite and the English-educated urban ruling elite. Meanwhile, one million Indian Tamils were disenfranchised in 1948 under the Ceylon Citizenship Act. Of this, approximately 350,000 were repatriated to India under the Indo-Ceylon Agreement of 1964. Over the years, subsequent governments conferred citizenship rights to the rest. The Ceylon Citizenship Act served to reinforce ethnic politics and reduced the electoral leverage of the Indian Tamils who remain an impoverished community today.

*Ethnic Conflict and Language*

In addition to the barriers imposed by the continued use of the English language as the official language after independence, the emerging nationalist forces perceived that Sri Lankan Tamils had access to a disproportionate share of power as a consequence of educational opportunities in the colonial period and were also disproportionately represented in the civil administration. Moreover, considerable mercantile interests were also controlled by non-Sinhalese groups. These fears and concerns were a basis for the politics of language that was to emerge. As early as 1944, politicians proposed resolutions in Parliament to declare Sinhalese the official language, while other amendments proposed both Sinhalese and Tamil as official languages<sup>4</sup>. A 1944 resolution specified that Sinhalese and Tamil would become the languages of instruction in schools, examinations for public services and legislative proceedings. The resolution was approved by 27 to 2 in the Sinhalese-dominated legislature. Committees were established to advise on how these changes were to be implemented, however, there was little progress in implementing the policy. In 1956, S.W.R.D Bandaranaike was elected Prime Minister with a main election promise of establishing Sinhalese as the official language of the country, replacing English. The new government fulfilled this promise—through the passage of the so-called "Sinhalese Only Bill" (Official Language Act, No. 33 of 1956)—soon after the election giving no status of parity to the Tamil language. The language issue in many ways brought the Sinhalese-Tamil conflict into the forefront of Sri Lankan politics. In terms of the dominant strands of Sinhalese nationalism, the Sinhalese language along with the Buddhist religion necessarily had to occupy the pre-eminent position in society. This was perceived to be the only way the glory of ancient Sinhalese civilization could be revitalized. Even though Tamil has been decreed an official language along with Sinhalese in terms of the 13th Amendment to the Constitution (in 1987), the damage caused by the politics of language generally remain unaddressed. Moreover, the vast gap between the official recognition of Tamil as an official language and the practical implementation of the provisions and conditions it entails, is yet to be bridged.

*Ethnic Conflict and Education*

Since the 1970s, access to education—particularly access to higher education—has been ethicized. In addition, many other aspects of education—including the structural organization of schools and universities, contents of textbooks and training of teachers—have impacted directly on ethnic conflict. Compared to other ethnic and religious groups in the country, Tamils have had strong cultural norms which valued education. Many Tamils attended English language schools which were the passport to higher education and better employment in the colonial period. As a consequence of well-funded American missionary activities, the Tamil-dominated Northern Province had comparatively better facilities for English language and pre-university education. There was also a limit beyond which Tamils could not be absorbed within the traditional land-based occupations in the arid areas where they predominated. This further encouraged many to seek employment through education. The net result was the relative over-representation of Tamils in higher education, professions and the administration in comparison to their status in the general population<sup>5</sup>. In this context, post independence Sinhalese nationalism sought to curb the Tamil presence in education and thus also in the professions and civil administration. While the passing of the “Sinhalese Only Bill” was one attempt in this process, more direct hurdles were placed on the path of Tamils’ realization of educational goals since the 1970s. The constitutional provisions in the 1972 Constitution favouring the Sinhalese language and Buddhist religion, along with their educational policies, convinced many Tamils that they had been perceived as a marginal community.

#### *Ethnic Conflict and Employment*

As mentioned above, both language and education policies have placed barriers on employment, especially in the administrative and professional ranks in which Tamils were at one point “over-represented.” In the private sector—which for the most part continued to work in English—employment opportunities for Tamils and other minorities remained relatively open. As a result, today some of the leading business ventures in the country are Tamil-owned. However, as a result of the discrimination that has occurred in state sector employment practices over time, there is a tendency

among many Tamils to perceive of themselves as generally discriminated against in employment. According to the census of public sector and corporate sector employment in 1990, Sri Lankan Tamils accounted for 5.9% of those employed in the state services. This represents a significant drop from earlier years.

#### *The Emergence of Armed Conflict*

Until the early-1980s, ethnic conflict was primarily limited to the political arena where destruction to property and life was minimal. However, violence had occurred on number of occasions, such as in the passing of the “Sinhalese Only Bill” in 1956. Similar ethnic riots involving Tamils and Sinhalese occurred in 1958, 1977 and 1981, with the most violent and destructive taking place in July 1983. Many observers see the violence of July 1983 as a turning point in the conflict. After the early-1980s, such sporadic cases of violence gradually gave way to institutionalized political violence which became a main feature of the conflict. At this stage, organized or institutionalized political violence was widely utilized by both the political parties in power and Tamil youth who organized themselves into armed guerrilla outfits. This development marked the militarization and the steady brutalization of the Sri Lankan ethnic conflict. The failure of parliamentary politics and the entrenchment of ethnic politics which led to frustration among Tamil youth, eventually made some of these youth organize themselves into armed groups for the ostensible purpose of seeking independence from Sinhalese domination. The first of these groups was the Tamil Tigers which later came to be known as the Liberation Tigers of Tamil Eelam or LTTE. In 1978, the Tamil Tigers carried out a series of bank robberies and also assassinated a number of police officers, many of whom were Tamil. Bank robberies and selected assassination of individuals within the Tamil community (who were considered traitors) later led to massacres of Sinhalese and Muslim civilians in the border villages and contested areas. By the 1980s, this phase in the evolution of political violence expanded to include indiscriminate bomb attacks in the Sinhalese-dominated south, particularly in Colombo. Subsequently, the conflict reached civil war proportions and Indian peace-keeping forces were sent to Sri Lanka in 1987. The Indian forces left in

1990 and the civil conflict between the Government and LTTE resumed three months later. The conflict escalated in the late-1990s with conventional battles being fought to capture territory.

#### *Human rights violation*

The end of the 26 year long civil war, Sri Lanka has yet to secure its future stability. A World Report describes torture, rape, detentions, and summary executions perpetrated by the Sri Lankan Government against people suspected of involvement in the defeated Liberation Tigers of Tamil Eelam (LTTE) and government critics. Evidence suggests a state-sanctioned campaign rather than isolated incidents and, because of a culture of impunity for the perpetrators (mainly Sri Lankan army, security forces, and police officers) and fear of reporting by victims, the true scale of abuse is unknown.

The government and the LTTE also stand accused of committing war crimes in the escalation of violence at the end of the war, which is estimated to have claimed the lives of 40 000 people, mainly civilians. Allegations against the government include large-scale shelling of humanitarian operations and hospitals, and those against the LTTE include point-blank shooting of civilians trying to flee the conflict zone. In March, the UN Human Rights Council voted in favour of an inquiry into suspected war crimes because the government had failed to investigate them properly. However, Sri Lanka has refused to cooperate with such an inquiry.

This deplorable situation stands in stark contrast to positive achievements in health and development. Despite the war, Sri Lanka has the highest Human Development Index rank in South Asia, and the country is on track to meet most Millennium Development Goals. Challenges remain, however, including persistent health disparities between different regions and ethnic groups for indicators such as maternal mortality and infant nutrition. Health infrastructure in the northern and eastern provinces most affected by the conflict is also in need of urgent restoration. Inequalities and injustices in Sri Lanka present a threat to its future. The international community should maintain pressure on the country to rectify its appalling human rights record. Reconciliation, lasting peace, and a healthy future for all its citizens will be impossible if past and present abuses are not addressed.

On September 16, 2015, the UN Office of the High Commissioner for Human Rights, released a report on the human rights violations, including unlawful killings, enforced disappearances, and gender-based violence, committed by the Liberation Tigers of Tamil Eelam (LTTE) and Sri Lankan government forces from 2002-2011. *See* Office of the United Nations High Commissioner for Human Rights, *Report of the OHCHR Investigation on Sri Lanka (OISL)*, 16 September 2015 (hereinafter Report). The report concludes with a number of recommendations, including those of a general nature as well as more specific ones regarding institutional reforms, justice, truth and the right to know, reparations, and suggestions directed at the United Nations and Member States. *See id.* at 248-251. Shortly before the release of the report, Sri Lankan foreign minister Mangala Samaraweera announced that Sri Lanka plans to establish an independent Commission for Truth, Justice, Reconciliation, and Non-recurrence to address the human rights violations that occurred during its civil war. The UN High Commissioner for Human Rights rejected this solution, and urged instead the creation of a hybrid special court, emphasizing that “a purely domestic court procedure will have no chance of overcoming widespread and justifiable suspicions fueled by decades of violations, malpractice and broken promises.” [UN News Centre; Human Rights Watch; NY Times: UN Urges Sri Lanka to Establish Court].

#### CONCLUSION

In conclusion, the root cause of the ethnic issue is the feeling of inequality and oppression and for the ethnic conflict to be solved these must be dealt with; however this must be done within a framework considering the mutual hate and the deep rifts created in the last 25 years. Today a country deeply divided, over 60,000 dead, a generation (or two) lost, children brainwashed, hatred and above all fear. What can be done? A The solution is simple yet concurrently complex. It is that the based on the cry of the French Revolution “Liberty, Equality and Fraternity”; all ethnic groups must be treated as equals. How it is to be achieved? The solution lies in the creation of a modern liberal democratic structure that ensures the rights of all citizens are equally upheld. All citizens must be treated equally. A sense of national identity

based on the principle of the nation state rather than ethnicity must be instilled and cultivated.

On a practical level this means that the government should not consider the race of a person for any purpose *e.g.* the indication of race on national identification is unnecessary and counterproductive. Furthermore, the use of a common non-sectarian language (such as English) should be encouraged. In addition, a culture of principle and policy, not ethnicity, politics must be encouraged. A firm independent judiciary with power to enforce its decisions must be developed. Finally, the state must be secular, in order to prevent discrimination from that direction.

For all of this to occur legislative, constitutional, administrative and sociological change must occur. The LTTE will not accept any system of plurality and hence it would be naive to expect any change from the LTTE, or the brainwashed and oppressed people under them. The burden lies on the average Sinhala voter (the majority) to elect a government that will ensure that all these goals are achieved. Perceptions of the Sinhala voter must be changed via education and exposure (and perhaps war weariness). Only when these goals are achieved and all ethnic groups feel they are equal citizens  $\hat{A}$  the “voice of strife” be dumb and only then will “we march to a mighty purpose”, the betterment of all our citizens, united as one.

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