

Hatred Does Not Cease By Hatred, But Only By Love

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War is futile, war is destructive, and war creates misery. Sri Lanka underwent a three-decade war with one of the world's notorious terrorist organisations known as the Liberation Tigers of Tamil Eelam (LTTE) and won the battle against terrorism. In a country like Sri Lanka, which is multi-ethnic, multi-cultural and multi-religious, the occurrence of violence is evident. The challenge is to deter violence and mitigate potential threats. To prevent violence, one of the best practices is to foster peace and reconciliation. Nonetheless, promoting peace and reconciliation becomes a strenuous task due to various reasons. Therefore, to attain peace criminal justice system cannot fight alone, reconciliation becomes a pivotal factor.

Array of Reasons for War

There are an array of reasons behind war and nothing can be further from the truth; war occurs due to denial of rights. Therefore, it is important to look into the acts of the past, which initiated enmity and created a rift. The turmoil between Tamils and Sinhalese came into existence due to a series of events committed by both parties. In the year of 1949, Indian Tamil plantation workers were disenfranchised. Moreover, the Ceylon Citizenship Act denied citizenship to Tamils of Indian origin creating controversy. It is important to mention the chaos created by the Sinhala Only Act passed in 1956, by S.W.R.D. Bandaranaike. The Act opened doors for the underprivileged Sinhala community to rise and engage in administration by eliminating the language barrier. However, this was detrimental to Tamils whose majority spoke English. Moreover having less population intensified the situation and political insecurity created violence.

The objective behind forming LTTE was setting a separate homeland - the Tamil Eelam. Tamil Tigers were a group designed to fight for 'self-determination'. The motive of the LTTE does not serve the purpose of harmony, which the Tamils wanted; Prabhakaran claimed a part of the land, which is an infringement of the interest of all population. Therefore, his struggle was not a depiction of all the Tamils; it was his agenda to come to power by attempting to oust the legitimate Government. The victims of his violence composed of Sinhalese, Tamils, Muslims, Burghers, and others, who craved for peace to live without terror.

Dark Period

The year 1981 marks a dark period in Sri Lanka's history due to the burning of the Jaffna Library. The literature lost was precious and the damage done is irreversible to the whole country. On the other hand, there were major human rights law violations and humanitarian violations committed by the LTTE. They attacked religious places, including the Jaya Sri Maha Bodhiya in 1985, the Kattankudy Mosque in 1990 and massacred 147 men and boys and the Temple of Tooth Relic in Kandy in 1998. These are non-military targets. They closed the gates of Mavil Aru preventing water from reaching the area, which is a basic right; they bombed economic places such as the Central bank, Colombo International Airport, and the Kollonawa oil refinery. The LTTE killed many leaders, army personnel and the public irrespective of their ethnicity and country such as Rajiv Gandhi, Ranasinghe Premadasa, Nataraja Raviraj, Lakshman Kadiragamar, Admiral Clancy Fernando, and Matara Kithalagama Sri Seelalankara Thero. These attacks were against Sri Lankans it was not against Tamils; therefore, the allegation of Genocide fails here. These attacks were in strict breach of human rights as well as the laws of armed conflict.

Taking up the challenge

The resulting hatred and continuous provocation gave rise to violence by both parties. With the failure of the ceasefire agreement, due to lost hope, the Sri Lankan Government took the challenge of defending the lives of all the civilians by conducting a humanitarian mission, consequently quashing terrorism and upholding peace. The popular opinion and the accusation posed by western countries is that Sinhalese are against Tamils; however, the reality suggests otherwise. It is an obvious fact that there are conflicts in any country and diversity in the composition becomes a challenge when fostering peace and reconciliation.

Moreover, Tamils in Sri Lanka who witnessed war, who knew the reality despised violence. "Nonetheless, most Tamils abroad remain profoundly committed to Tamil Eelam, the existence of a separate State in Sri Lanka. This has widened the gap between the diaspora and Tamils in Sri Lanka. Most in the country are exhausted by decades of war and are more concerned with rebuilding their lives under difficult circumstances than in continuing the struggle for an independent state." Former LTTE Women's political wing leader Thamiliini Jeyakkumaran, in her book 'Under the Shadow of a Sharp-Edged Blade', states as follows, "No river of blood should flow in this land again. No mother should wail beating her belly that held her child or the coffin that carries his or her dead body. Our future generations should strive incessantly to win a world through their intellectual prowess only". Therefore, it is clear that there is no point in hatred against the Tamil community and the said expressions by Tamils speaks for themselves.

External threats such as Tamil Diaspora are a challenge, which precludes the reconciliation process. Additionally, "LTTE uses the actions of the Transnational Government of Tamil Eelam, the Global Tamil Forum, and the British Tamil Forum indirectly to achieve its political goal, a Tamil homeland. The Tamil Eelam People's Assembly, as well as ex-combatant and intelligence groups, continue to adhere to radical ideas of a remerging LTTE insurgency." Moreover, usage of the proscribed LTTE flag in foreign countries is an infringement of law. Hence, the Government needs to take necessary diplomatic measures to remedy the condition and deter violence.

Briefly, challenges posed to the reconciliation process include political insecurity, lack of consensus between ethnicities and external threats such as diaspora and politically motivated countries and organizations. Thus, it is important to look at the steps taken to promote peace and reconciliation.

Rights given to all ethnicities

Firstly, when looking at the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka, the supreme law of the country, we can witness a range of rights given to all ethnicities. Article 02 of the Constitution states, "Republic of Sri Lanka is a unitary State." This explicitly displays that the division of the land is in contravention to the law and against the best interest of the people. The Constitution displays the protection provided to the diverse population of Sri Lanka notwithstanding ethnicity or religion. Chapter II of the Constitution is much disputed for giving Buddhism the foremost place nonetheless it states, "while assuring to all religions the rights granted by Articles 10 and 14(1) (e)", which shows that any religion will not be subordinate to another. Therefore, all religions are free from discrimination.

Article 12 is on right to equality, which states all persons are equal before the law and are entitled to the equal protection of the law. Article further states, "no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds". Furthermore, it states that it shall be lawful for a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public... employment or office". Article 12(3) is wide in scope it displays language does not become a barrier, thus the word "any language" upholds the fact that all ethnicities are welcomed and diversity is not an obstruction. Proviso to the section lists that no persons shall on the grounds of language, caste, sex, or any one of such grounds, be subject to any disability, liability, restriction, or condition concerning access to shops, public restaurants, hotels, places of public entertainment, and places of public worship of his religion.

Article 14 sheds light on a plethora of rights such as the “freedom of speech and expression including publication, the freedom of peaceful assembly, the freedom of association, freedom either by himself or in association with others to... manifest his religion or belief in worship, observance, practice and teaching, the freedom of movement and of choosing his residence within Sri Lanka; and the freedom to return to Sri Lanka”. All these rights are applicable without any segregation to all ethnicities. However, Article 15 of the Constitution is on restrictions of fundamental rights. Certain Articles are “proscribed by law in the interests of national security, public order and the protection of public health or morality, or to secure due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.

Measures to ensure peace and stability

Following is a list of some of the measures taken in the aftermath of the war to ensure peace and stability of the country:

- 2010 Lessons Learned and Reconciliation Commission (LLRC)
- Secretariat to Coordinate the Reconciliation Mechanisms (SCRM)
- The Right to Information Act No 12 of 2016
- Office for Reparations Act No 34 of 2018
- Convention for the Protection of All Persons from Enforced Disappearance
- Convention on the Rights of Persons with Disabilities
- Human Rights Commission of Sri Lanka
- Election Commission
- Office for Missing Persons
- Office for Reparations
- ILO Convention on Employment Policy
- Witness Protection of Victims of Crime and Witnesses Act

Distribution of lands of Tamils bestowed property rights back to the owner, conversely, lapses and delay in distribution obstructed justice leading to justice undone.

The above steps taken at times achieved success and at times became a failure. The success of one project fails due to the introduction of another by a new government. For that reason, it is pivotal that there should be a consensus in the de radicalising process to create harmony between ethnicities. The implementation of the above measures will be an asset to the country as it enhances stability between ethnicities.

Yet, one significant lacuna that impedes the road to reconciliation is the lack of psychological reconciliation to which the Government needs to pay attention. For this, increasing citizen participation in the reconciliation process, promoting healthy dialogue, youth participation in politics and law, psychological support, community engagement and economic assistance can bridge the gap between ethnicities in addition to an effective criminal justice system.

Peace is a process that must be accomplished mutually and not individually. Therefore, civilians too have to harmonize with one another. The beauty of living in a multi-cultural, multi-ethnic country is that the said diversity itself makes them unified. The 2004 Tsunami as well present COVID-19 pandemic proved that we are divided by ethnicity but united during a struggle, there is no segregation when it comes to charity when people are in need, we share and care among each other. When we see a differently abled person we do not hesitate to help, we do not ask what your ethnicity is. When a baby is smiling, you hold their little hand and appreciate the beauty. We cheer the same way when Murali takes a wicket and Sanath scores a six. If we as a nation heal the wounds of the past and acknowledge the efforts we have taken, quashing the inner demons of hatred will lead to peace and reconciliation.

Author Biography

Charani Patabendige is a Research Assistant and an Honorary Associate Research Fellow at the Institute of National Security Studies, the premier think tank for the Ministry of Defence Sri Lanka. She is presently reading for MPhil/ PhD in Law. She holds a Bachelor of Laws degree with a second-class and an Advanced Diploma in Transitional Justice from Bandaranaike Centre for International Studies with a Distinction Pass. Currently, she is reading for the final year of the Attorney at Law examination. She is also a member of the committee for the "Review and Finalize the Proposed National Defence Policy". She represented Sri Lanka at the 'International Scientific-Practical Conference on Regional Security in Asia in the context of preventing new challenges and threats' conducted by the Conference on Interaction and Confidence Building Measures in Asia (CICA). She has many international and national conferences and journal publications. Her research interests are counter-terrorism, religious extremism, drug menace, human rights and national security.

