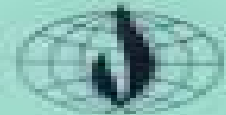


March 1984



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# Sri Lanka

## A Mounting Tragedy of Errors

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Report of a Mission to Sri Lanka  
in January 1984 on behalf of  
the International Commission of Jurists  
and its British Section, JUSTICE

by

**Paul Sieghart**

Chairman, Executive Committee, JUSTICE

International Commission  
of Jurists

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and JUSTICE

# Sri Lanka A Mounting Tragedy Of Errors

**Chanaka Talpahewa**



## **Sri Lanka A Mounting Tragedy Of Errors:**

Sri Lanka--Ethnic Fratricide and the Dismantling of Democracy Stanley Jeyaraja Tambiah, 1986 Focusing on the historical events of post independence Sri Lanka S J Tambiah analyzes the causes of the violent conflict between the majority Sinhalese Buddhists and the minority Tamils He demonstrates that the crisis is primarily a result of recent societal stresses educational expansions linguistic policy unemployment uneven income distribution population movements contemporary uses of the past as religious and national ideology and trends toward authoritarianism rather than age old racial and religious differences In this concise informative lucidly written book scrupulously documented and well indexed Tambiah trains his dispassionate anthropologist s eye on the tangled roots of an urgent present day problem in the passionate hope that enlightenment understanding and a generous spirit of compromise may yet be able to prevail Merle Rubin Christian Science Monitor An incredibly rich and balanced analysis of the crisis It is exemplary in highlighting the general complexities of ethnic crises in long lived societies carrying a burden of historical memories Amita Shastri Journal of Asian Studies Tambiah makes an eloquent case for pluralist democracy in a country abundantly endowed with excuses to abandon such an approach to politics Donald L Horowitz New Republic An excellent and thought provoking book for anyone who cares about Sri Lanka Paul Sieghart Los Angeles Times Book Review *The Rise of Tamil Separatism in Sri Lanka* Gnanapala Welhengama, Nirmala Pillay, 2014-03-05 Among the examples of civil wars armed secessionist movements and minority uprisings in the world today many involve conflict between a minority group s aim for political self determination and the nation state s resistance to any diminution of sovereignty With the expansion of the international regime of human rights minority groups have reconceptualised their struggle with the understanding that a minority which is linguistically religiously or ethnically distinctive is entitled to self determination if their aspirations cannot be met This book explores the relationship between minority rights self determination and secession within international law by contextualising these issues in a detailed case study of the rise of Tamil separatism in Sri Lanka Welhengama and Pillay show how Tamil communalism hardened into secession and assess whether the Sri Lankan government has met its obligations with respect to the right to self determination short of secession Focusing on the legal and human rights arguments for secession by the Tamil community of the North and East of Sri Lanka the book demonstrates how the language of international law and international human rights played a major role in the development of the arguments for secession Through a close examination of the case of the Tamil s secessionist movement the book presents valuable insights into why modern nation states find themselves threatened by separatist claims and bids for independence based on ethnicity The Human Rights Implications of the Sinhalese-Tamil Conflict in Sri Lanka United States. Congress. House. Committee on Foreign Affairs. Subcommittee on Human Rights and International Organizations, 1984 **Sri Lanka, Human Rights and the United Nations** Tamil Venthan Ananthavinayagan, 2019-04-30 This book examines the engagement between the United Nations human rights machinery and

the respective governments since Sri Lanka then Ceylon joined the United Nations Sri Lanka has a long and rich history of engagement with international human rights instruments However despite its active membership in the UN the country's post colonial trials and tribulations are emblematic of the limited influence the international organisation has exerted on this country in the Global South Assessing the impact of this international engagement on the country's human rights infrastructure and situation the book outlines Sri Lanka's colonial and post colonial development It then considers the development of a domestic human rights infrastructure in the country It also examines and analyzes Sri Lanka's engagement with the UN's treaty based and charter based human rights bodies before offering conclusions concerning the impact of said engagement The book offers an innovative approach to gauging the impact of international human rights engagement while also taking into account the colonial and post colonial imperatives that have partly dictated governmental behaviour By doing so the book seeks to combine and analyse international human rights law post colonial critique studies on biopower and critical approaches to international law It will be a useful resource not only for scholars of international law but also for practitioners and activists working in this area *Peaceful Intervention in Intra-State Conflicts* Chanaka

Talpahewa, 2016-03-03 Have we reached an end to the era of peaceful third party intervention in conflict management and resolution In the 1990s with the ending of the Cold War the intervention of third parties as a non violent means of negotiating settlements of intra state conflicts gained prominence but the emphasis in the twenty first century has been increasingly on military responses *Peaceful Intervention in Intra State Conflicts* Norwegian Involvement in the Sri Lankan Peace Process is an in depth impartial discussion on the background decision making processes and procedures and related actions in the Norwegian facilitated peace process in Sri Lanka that gradually shifted towards a military solution It provides the reader with evidence based comprehensive analysis on the attempts of peaceful third party intervention in a complex ethno separatist intra state conflict *Religion, Space and Conflict in Sri Lanka* Elizabeth J. Harris, 2018-03-28 Space is dynamic political and a cause of conflict It bears the weight of human dreams and fears Conflict is caused not only by spatial exclusivism but also by an inclusivism that seeks harmony through subordinating the particularity of the Other to the world view of the majority This book uses the lens of space to examine inter religious and inter communal conflict in colonial and post colonial Sri Lanka demonstrating that the colonial can shed light on the post colonial particularly on post war developments post May 2009 when Buddhist symbolism was controversially developed in the former largely non Buddhist war zones Using the concepts of exclusivism and inclusivist subordination the book analyses the different imaginaries or world views that were present in colonial and post 1948 Sri Lanka with particular reference to the ethnic or religious Other and how these were expressed in space influenced one another and engendered conflict The book's use of insights from human geography peace studies and secular iterations of the theology of religions breaks new ground as does its narrative technique which prioritizes voices from the nineteenth and twentieth centuries and the author's fieldwork and personal

observation in the twenty first Through utilizing past and contemporary reflections on lived experience informed by diverse religious world views the book offers new insights into Sri Lanka s past and present It will be of interest to an interdisciplinary audience in the fields of colonial and postcolonial studies war and peace studies security studies religious studies the study of religion Buddhist Studies mission studies South Asian and Sri Lankan studies **Redefining Genocide** Damien Short,2016-06-15 In this highly controversial and original work Damien Short systematically rethinks how genocide is and should be defined Rather than focusing solely on a narrow conception of genocide as direct mass killing through close empirical analysis of a number of under discussed case studies including Palestine Sri Lanka Australia and Alberta Canada the book reveals the key role played by settler colonialism capitalism finite resources and the ecological crisis in driving genocidal social death on a global scale Autonomy, Sovereignty, and Self-Determination Hurst Hannum,2011-10-12 Demands for autonomy or minority rights have given rise to conflicts often violent in every region of the world and under every political system Through an analysis of contemporary international legal norms and an examination of several specific case studies including Hong Kong India the transnational problems of the Kurds and Saamis Nicaragua Northern Ireland Spain Sri Lanka and the Sudan this book identifies a framework in which ethnic religious and regional conflicts can be addressed **Sovereignty, Space and Civil War in Sri Lanka** Anoma Pieris,2018-10-25 Analyses of the Sri Lankan civil war 1983 2009 overwhelmingly represent it as an ethnonationalist contest prolonging postcolonial arguments on the creation and dissolution of the incipient nation state since independence in 1948 While colonial divide and rule policies the rise of ethnonationalist lobbies structural discrimination and majoritarian democracy have been established as grounds for inter ethnic hostility there are other significant transformative forces that remain largely unacknowledged in postcolonial analyses This ambitious multiscalar spatial study of civil war in Sri Lanka offers an intersectional de ethnicised analysis of political sovereignty drawn out by the struggle for territory Based on vital retrospective findings from the five year postwar period when wartime hostilities were still festering it convincingly links ethnonationalism to postnational border politics marketisation militarised securitisation and illiberal democracy This book argues that internecine conflict exposes the implicit violence within nation state formations mass human displacements heighten collective and individual ontological insecurity and neoliberalism makes the nation porous in unforeseen ways Based around three themes normative spaces human mobilities and exilic states it is organised into ten comprehensive chapter based explorations of a range of spatial units including homes cities routes camps and experiences of ruin that were irrevocably politicised by protracted conflict Focusing on their material transformations over a thirty seven year period the book explores what can be known of the war if we look beyond ethnicity to other salient shared geographical features of this embattled history The book uncovers how fealty to exclusionary cultures of political sovereignty aligns us with their violence limiting our capacity for empathy a boundary seemingly exacerbated by neoliberal opportunities Making use of Sri Lanka as a case study to test geographic

architectural and urban methodologies for understanding violence this book acts as a provocation to rethink current readings of the particular case study while reflecting on the more general impact of marketisation and militarisation in Asia It will be of interest to an interdisciplinary audience including those scholars interested in South Asian history politics and civil war South Asian studies border studies geography and architecture and urban studies      **Superdiverse Diaspora** Demelza

Jones,2019-10-31 Drawing on in depth qualitative research this book provides a nuanced picture of the everyday identifications experienced and expressed among the superdiverse Tamil migrant population in Britain It presents the first detailed analysis of the narrative and experiences of Tamils from a diversity of backgrounds including Sri Lankan Indian Singaporean and Malaysian and addresses the question of their identification with a Tamil diaspora in Britain Theoretically informed by Brubaker s conception of diaspora as process and Werbner s notion of diasporas as both aesthetic and moral communities Jones examines political engagements alongside other less studied frames of Tamil migrants lives social relationships local and transnational the domestic space of home and performances of faith and ritual Considering diaspora as a process or practice allows the author to reveal a complex landscape upon which being Tamil and doing Tamil ness in diaspora are diversely enacted Combining original ethnographic research with a theoretical engagement in the key debates in migration diaspora ethnicity and superdiversity studies this book makes a novel contribution to scholarship on Tamil populations and will advance critical understandings of the concept of diaspora more generally      *Cycles of Violence*

Barnett R. Rubin,1987 Part One Background      **The Challenge in South Asia** Ponna Wignaraja,Akmal Hussain,1989-08-31 This book reflects the crisis of development the associated crises of state and its impact on regional cooperation in South Asia The resulting political and social unrest violence and militarisation of state structures are considered in detail The contributors to this volume focus on the depth of the crises and articulate alternatives available and sustainable in the South Asian context the common heritage the renewable resource base and the available stock of knowledge which enlarges the range of technological options      **1989-1990** John Paxton,2021-06-21 No detailed description available for 1989 1990

**The UN Genocide Convention** Paola Gaeta,2009 The Convention for the Prevention and Punishment of the Crime of Genocide adopted by the United Nations General Assembly on 9 December 1948 is one of the most important instruments of contemporary international law It was drafted in the aftermath of the Nuremberg trial to give flesh and blood to the well known dictum of the International Military Tribunal according to which Crimes against international law are committed by men not by abstract entities and only by punishing individuals who commit such crimes can the provisions of international law be enforced At Nuremberg senior state officials who had committed heinous crimes on behalf or with the protection of their state were brought to trial for the first time in history and were held personally accountable regardless of whether they acted in their official capacity The drafters of the Convention on Genocide crystallized the results of the Nuremberg trial and thus ensured its legacy The Convention established a mechanism to hold those who committed or participated in the

commission of genocide the crime of crimes criminally responsible Almost fifty years before the adoption of the Rome Statute the Convention laid the foundations for the establishment of the International Criminal Court It also obliged its Contracting Parties to criminalise and punish genocide This book is a much needed Commentary on the Genocide Convention It analyses and interprets the Convention thematically thoroughly covering every article drawing on the Convention s travaux pr paratoires and subsequent developments in international law The most complex and important provisions of the Convention including the definitions of genocide and genocidal acts have more than one contribution dedicated to them allowing the Commentary to explore all aspects of these concepts The Commentary also goes beyond the explicit provisions of the Convention to discuss topics such as the retroactive application of the Convention its status in customary international law and its future

*The International Commission of Jurists* Howard B. Tolley, Jr., 2010-11-24 Since its founding in 1952 the International Commission of Jurists has inspired the international human rights movement with persistent demands that governments obey the rule of law

Human Rights Prosecutions in Democracies at War Moira Lynch, 2018-09-17 Though many of the longest and most devastating internal armed conflicts have been fought within the boundaries of democratic states these countries employ some of the highest numbers of human rights prosecutions What conditions prompt this outcome and what explains the variable patterns of prosecutions in democracies at war Prosecutions may be enabled by existing democratic norms and institutions but given their role in a violent conflict democratic governments may go to great lengths to avoid judicial accountability Through qualitative and quantitative research of four cases Sri Lanka Northern Ireland Spain and Colombia this book argues that emergency and anti terrorism laws issued during the conflict created barriers to the investigation and prosecution of state human rights violations The extent to which state actors were held accountable was shaped by citizens NGOs and political actors who challenged or upheld impunity provisions within emergency legislation

*Religious Offences in Common Law Asia* Li-ann Thio, Jaclyn L Neo, 2021-02-25 This book provides in depth comparative analysis of how religious penal clauses have been developed and employed within Asian common law states and the impact of such developments on constitutional rights By examining the theoretical and conceptual underpinnings of religious offences as well as interrogating the nature and impact of religious penal clauses within the region it contributes to the broader dialogue in relation to religious penal clauses globally whether in countries which practise forms of secular or religious constitutionalism Asian practice is significant in this respect given the centrality of religion to social life and indeed in some jurisdictions to constitutional or national identity Providing rigorous studies of common law jurisdictions that have adopted similar provisions in their penal code the contributors provide an original examination and analysis of the use and development of these religious clauses in their respective jurisdictions They draw upon their insights into the background sociopolitical and constitutional contexts to consider how the inter relationship of religion and state may determine the rationale and scope of religious offences These country by country chapters inform the

conceptual examination of religious views and sentiments as a basis for criminality and the forms of harm that attract legal safeguards Several chapters examine these questions from a historical and comparative perspective considering the underlying bases and scope as well as evolving objectives of these provisions Through these examinations the book critically interrogates the legacy of colonialism on the criminal law and constitutional practice of various Asian states      **Asian Comparative Constitutional Law, Volume 1** Ngoc Son Bui,Mara Malagodi,2023-05-18 This is the first in a 4 volume set that provides the definitive account of the major issues of comparative constitutional law in 19 Asian jurisdictions Volume 1 explores the process and contents in the making of a new constitution The book provides answers to questions on the causes processes substance and implantation involved in making new constitutions such as What are the political social and economic factors that drive the constitution making How are constitutions made and who makes them What are the substantive contents of constitution making What kinds of legislation are enacted to implement constitutions How do courts enforce constitutions The book considers the impact of decolonisation globalisation and social political dynamics which have led to the enactment of numerous independent constitutions in Asia including Vietnam 2013 Nepal 2015 and Thailand 2017 The jurisdictions covered include Bangladesh Cambodia China Hong Kong India Indonesia Japan Malaysia Mongolia Myanmar Nepal North Korea the Philippines Singapore South Korea Sri Lanka Taiwan Thailand and Vietnam An essential reference for those interested in Asian constitutional law      *Sri Lanka* ,1984      **1991-1992** Brian Hunter,2021-06-21 No detailed description available for 1991 1992



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