

Ethnic warfare in Sri Lanka and the UN crisis

By William Clarence (Former Colombo Head of UNHCR)

Review by Dr. S. Narapalasingam

In his book – ‘Ethnic warfare in Sri Lanka and the UN crisis’ - William Clarence, who served in Sri Lanka from 1988 to 1991 as the Colombo head of the Office of the United Nations High Commissioner for Refugees (UNHCR), published by Pluto Press, London N6 5AA (www.plutobooks.com) in February 2007 (Sri Lanka edition by Vijitha Yapa Publications Colombo 4) has given a candid account of the tragic experiences of the hapless people in the North-East who were severely affected as a result of the fighting between the Tamil rebels – the LTTE and the Government forces. Written by a neutral person who had observed personally the happenings on the ground, the book gives the real picture of the terrible plight of the people in the conflict zone. As the author himself has stated in the preface, unlike the books written by journalists and academics on conflicts, the fieldworker’s position is “one of the most authoritative vantage points from which to observe and analyse a frontline situation”. Any reader will notice this salient feature from the very start.

The 275- page book is arranged in five parts. Part I gives the introduction. Part II – Between war and peace: December 1989 to June 1990; Part III - Eelam War II erupts: June to October 1990; Part IV – Protective neutral engagement: October 1990 to December 1991; and Part V – Protection and the UN in 2006. There are also 3 maps and 18 photos to illustrate the situation on the ground. The material in the book, relating to the plight of the people is drawn from “a personal journal made at that time day-by-day as events unfolded on the ground during 1990-91 ... and thereafter during the critical first 18 months of Eelam War II”. And this has enabled him to give a factual account of the events that many readers might not have known or faded from their memory.

Both the author of this informative and thought- provoking book and his fellow team members - most of whom were young and of exceptional motivation and ability - were working in the war zone risking their own lives in the performance of their duty. Apparently, their concern for the safety of civilians caught in the conflict was more than was expected of UNHCR staff at that time. This is very clear not only from the description given in the book of the many tragic incidents he has witnessed but also the criticism leveled against the UN with regard to providing ‘international protection’ to the civilians in the conflict areas. Some fundamental issues concerning the ways the UN and its agencies function now have been raised from a global peace perspective. These should stimulate the thinking of those concerned about peace and respect for fellow beings’ right to existence.



[The refugees complain that their powerless voices are not heard anywhere: [IDPs in Maavativempu](#)]

Today, the threat to people is not from world war III but from intrastate conflicts because of the inability of diverse communities to co-exist peacefully. This raises important questions relating to the compatibility of the political system in the troubled countries given their special demographic and regional features. It is not only the system but also the ways it function, influence political stability and durable peace. The UN Security Council has the power to take action to stop the killings of innocent civilians under the new doctrine of ‘responsibility to protect’, which is intended to end crimes against humanity. But according to one analyst, “secretariat officials and the Security Council have prioritized realpolitik over the humanitarian obligations of the UN”.

The military intervention in Iraq led by the world only super power, the United States of America was not motivated by the desire to change the oppressive regime of Saddam Hussein that victimized the Shiites and the Kurds. Military intervention requires the explicit consent of the Security Council and this was not the case here. In the present context of threat to peace from internal conflicts, there is now the need to review the efficacy of the international mechanism that was put in place at the end of World War II to prevent another war between nations. The then world leaders did not think of the internal conflicts in various countries that are now destroying lives and inflicting unbearable pains on the surviving millions.

The chaotic situations that arise from prolonged internal conflicts between the State and non-State actors often require international humanitarian assistance to save the lives of civilians. But no UN agency can intervene to protect civilians without the request for assistance from the relevant governments which invariably are also responsible for many inhuman acts against the people. In the case of Sri Lanka’s internal conflict, the rebels have been controlling the territory in the North-East

captured before the 2002 truce, where the government's writ cannot be enforced and no one can leave or enter the region without their permission. There are conflict situations where the civilians are used as human shields or their suffering is used as a tool in the propaganda war to discredit the enemy. When its use is seen as effective, even the party accusing the other of human rights violations is tempted to induce suffering to their own people in the conflict region.

These are some issues that exacerbate the already disturbed situation in the conflict areas to the civilians living there. The international protection for civilians is primarily to prevent the loss of innocent lives, regardless of the nature of the conflict in any part of the world. There is the disturbing view that human rights are unimportant when there is threat to national security. Besides, the word 'terrorism' can now be used as excuse for authorities facing uprisings to ignore human rights. Without the respect for human rights by the warring parties, any move towards providing international protection for civilians in conflict zones will be difficult. The very fact there is resistance to monitoring of human rights by UN shows the difficulty in setting up any mechanism for providing protection to civilians caught in armed conflicts.

Another difficult subject relates to direct dealings by the UN with non-State actors, who act outside the national and international laws. The UN has virtually no leverage over them. The previous UN Secretary General Kofi Annan could not visit the LTTE-controlled area in the North (Vanni) during his last visit to Sri Lanka because of the reservation of the then President Chandrika Bandaranaike Kumaratunga as his visit would confer some legitimacy to the claim of the separatists. The point here is that 'international protection' to civilians in such a situation will require the consent of both warring parties, particularly when there is no UN peace keeping force.

Another problematic matter concerning displaced civilians is the distinction between refugees that is those who flee from the conflict area to other countries and those who move to safer places within the country – internally displaced persons (IDPs). Clarence arrived in Sri Lanka in mid 1988 as UNHCR representative to head the agency's 'monitoring and reintegration programme for Tamil refugees', who were being repatriated from Tamil Nadu under the 1987 Indo-Lanka Accord. It was also called the Peace Accord, because the objective was to disarm the Tamil militants and promote Peace and Normalcy. But Eelam war II began in June 1990 before all the refugees in India returned to their homes in Sri Lanka. The second war caused some of the returnees to get back to Tamil Nadu again as refugees, while tens of thousands became IDPs in need of shelter, food and other essentials. Notably, this book describes how UNHCR used separate back-to-back arrangements with each combatant party to underwrite its role in the war zones.



[\[Alles Garden, Trincomalee\]](#)

Eelam War II and Eelam War IV

It is ironical that this book was originally intended as a reminder of the grim realities of a resumption of the Eelam wars. Yet as the events which already constitute Eelam War IV continue to unfold, they portend warfare which is significantly more deadly than before, both in its intensity and extent and consequences for civilians on the ground, not to mention the complexities of hard-line politics on both sides which it represents.

As regards the humanitarian response of the UN and government cooperation with it, the situation now contrasts unfavourably with mid 1990 when Eelam War II erupted. At that time, the UN at the level of institutional leadership was doubtful and dithering as to what to do, but the government in Colombo was adopting a relatively enlightened attitude towards humanitarian needs created by the conflict and was cooperating closely with the UNHCR field team's innovatively pragmatic programme to meet them. Now the situation is the opposite, with the leadership of the humanitarian agencies ready and willing to play an active protection role and the government dragging its feet. The question which internationals who were in the midst of it in the early 1990s keep asking each other is "where are the enlightened public servants in the administration and even the military who made it possible for a UN agency to play an active role on the ground?" But it is a question which only Sri Lankans can answer. Meanwhile, the international community looks on with dismay and disappointment.

‘UN crisis’

The dilemmas faced by the UN agencies in providing protection to the vulnerable people and averting humanitarian crisis are increasingly evident now not only from the continuing tragic happenings in Sri Lanka but also in many other conflict-ridden countries. The problems UNHCR is currently facing in Chad looking after refugees from Darfur, while tens of thousands of Chadians have been displaced from their homes as a result of the spill over of the internal conflict in Sudan into neighbouring Chad illustrate further the predicament, the author has stated from his Sri Lankan experience. Since the IDPs could not get the same assistance as the refugees from Darfur, some 20,000 displaced Chadians in desperation fled across the border to war-torn Darfur so as to become refugees! The UN appeal to Chadians not to flee across the border into Darfur was ignored. Sir John Holmes, the UN humanitarian chief speaking few days after the Sudanese combat aircraft dropped bombs close to refugee camps in Chad said that the UN aid operation in Darfur would collapse unless the violence in the region is halted.

Although the comments in the book are based on the author’s close observation of the situation in Sri Lanka’s war zones, these are relevant globally, where anarchic situations caused by internal violent conflicts prevail and where the governments are also responsible for the extensive human rights violations and the death of innocent civilians. In regard to the protracted gruesome conflict in Sri Lanka the UN apart from appealing to the warring parties to stop fighting and urging them to negotiate for a peaceful settlement has not been able to give significant protection to civilians in the conflict zone. Since the appeals have had no impact, the innocent people are continuing to get killed and endure unbearable suffering. Had there been favourable responses to the appeals, as expected by the UN authorities, the need for providing international protection to the civilians would also have vanished. Perhaps the UN authorities and more importantly the powerful countries expect the weak countries where internal conflicts erupt to respect ‘UN’s legitimacy and moral position’ and take their appeals seriously. Unfortunately, this seems unlikely now. The real problem that has intensified after the end of the cold war, with the United States emerging as the only super power is the lack of enforceable measures to deal with violent situations when the appeals are ignored.



[\[Schools as Welfare camps for IDPs\]](#)

The distinction between refugees and internally displaced persons (IDPs) is senseless from a humanitarian angle. The author has stated: “With the sudden eruption of Eelam War II in mid 1990, the refugee agency (UNHCR) was again facing an entirely different scenario, in which there was imperatively an immediate need to protect the refugee returnees who were now either stranded in the midst of or fleeing or fleeing from the civil warfare that had set the region ablaze. For UNHCR, the protection situation presented a range of complex problems. One complication was the controversy over what, if indeed any, action the agency should appropriately take. The challenge in the north was most unusual, if not unique, in that Sri Lanka was not a country of asylum to which refugees had fled and where according to the agency’s traditional practice, it would have normally provided protection because of the international refugee status they had acquired by fleeing their own country. On the contrary, it was a country of refugee origin; the agency’s legal responsibility for Tamil civilians caught up in the fighting was only in regard to the refugee returnees whose repatriation and reintegration it had been monitoring. These formed a comparatively small group in relation to the large majority of IDPs and endangered local residents in the conflict-affected areas; most of the uprooted people had no status in international law other than as nationals of and within their own country, Sri Lanka”.

He has also given other reasons for the reluctance of the UNHCR headquarters in Geneva get involved in any extended protection programme that includes all civilians who were in the same disastrous situation as refugee returnees from India. It was not only the lack of sufficient funds but also the risk to the lives of the field staff operating in conflict areas where there is no ceasefire and the delusion that could make people to believe that they can rely on the UNHCR capacity to protect them constantly while the fighting continues. The book has raised number of related issues which should be of concern not only to present top officials in the UN but also to all leaders committed to peaceful and better world for mankind. It is also clear from his observations that the UN system for the protection of IDPs requires closer attention.

The inability of the present UN system to protect civilians trapped in the war zones or render help to the internally displaced civilians, who legally do not come under the definition of refugees is evident from the pathetic situations prevailing in other countries as well. The system is weak and toothless that the unprincipled narrow-minded governments are able to ignore allegations of wrong doings or give promises that are not fulfilled but serve to buy time. Direct UN involvement in conflict ridden countries to render humanitarian assistance has not been possible as the governments there raise objections citing infringement of their sovereignty. This is another sensitive matter that the international community should reflect and decide when human rights take primacy over sovereign rights in internal conflicts, where the warring parties show no respect for the lives of innocent people.

The author has also raised some fundamental issues concerning the suitability of the UN system, the ways it functions and importantly the US attitude towards the international organization, to be the protector of human (including women, children and ethnic minority group) rights and world peace. As stated in the book, the UN according to its charter is more concerned about international refugees than internally displaced persons (IDPs). This was one of the problems faced by Clarence during his tenure in Sri Lanka. He has also mentioned in his book about the innovative measures and mechanisms he adopted to overcome this difficulty. Although these initially attracted controversy within the refugee agency, in the event they were vindicated by their proven effectiveness on the ground, and they gained increasingly wide support in the international community. And when she had fully taken over leadership of the agency, the new High Commissioner for Refugees, Sadako Ogata, decided in favour of this innovative programme.

Indeed it was largely as a result of the stand taken by the field team in Sri Lanka at the outset of Eelam War II that UNHCR has remained in Sri Lanka with an active programme of protective relief for displaced civilians in the war zones. Moreover, the methodology developed in Sri Lanka at that time has wider international reference in similar situations of intrastate warfare elsewhere in the world.

Human rights

In Sri Lanka, human rights violations by the government have not abated, despite the appeals by UN and other international agencies like Amnesty International and Human Rights Watch. In the recent controversial campaign (because of linking to the World Cup cricket tournament in West Indies) to stem the rise in human rights violations in Sri Lanka, Amnesty has said the Sri Lankan government, Tamil rebels and other armed groups must commit themselves to allowing independent human rights monitors to oversee the island's protracted conflict. Amnesty's Mukul Sharma has blamed both the government security forces and the rebels for rights abuses against civilians. He said: "We have seen unlawful killings, recruitment of child soldiers, abductions, disappearances, and many other human rights violations and war crimes are on increase. We have seen civilians being attacked from both sides. Homes, schools, places of worship have been destroyed."

Human Rights Watch has urged the South Asian leaders to promote and protect human rights across the region. In a letter released ahead of the two-day 14th SAARC Summit in New Delhi (April 3 and 4), Human Rights Watch Asia Division Executive Director Brad Adams, said a quick survey of South Asia had revealed that "many human rights issues would benefit from mutual engagement and agreement." He also said: "Human rights abuses are often the cause and fuel of conflict.

A failure by the state to provide and protect economic, social and cultural rights and civil and political rights, including ensuring the rights of marginalized groups such as ethnic and religious minorities, can lead to discontent that eventually turns violent.”

Clarance has also discussed many other issues relating to the implementation of UN sponsored humanitarian programmes to assist civilians affected by internal conflicts. One is the concern that these would interfere with the universal human right of persons in fear of persecution in their own countries to seek asylum elsewhere. Of course, his study does not provide a simple straightforward solution to the problems faced by civilians in all cases where the internal conflict drags on violating human rights and humanitarian laws. However, it has brought out the need to find better ways and means to ensure the observance of basic human rights and prevent the causes that lead to internal unrest and violent uprisings. When it comes to the observance of basic human rights, there should be no excuse for any outfit - State or non-State; rich or poor; militarily strong or weak – to ignore them at any time. Unfortunately this is not the case at present. Human rights violations in some powerful countries remain concealed. The upsurge of militancy amongst Tamil youth is the result of the violation of the basic rights of the ethnic minority Tamils. (Ref. Chapter 3 – Roots of militancy, seeds of terrorism).

The approach to good governance and further to world order should focus on human rights. Development aid will not be very productive without good governance of the recipient. There is a case for linking the two. The book is useful for understanding not only the intrinsic nature of the conflict in Sri Lanka and its impact on civilians but also the weaknesses in the UN system to prevent internal conflicts escalating into major international disasters.