

# Non-State Actors in Sri Lanka



A female deminer places a disarmed landmine in the safety area of a minefield in Kilinochchi on the northern peninsula of Sri Lanka.

## Stuck Between a Rock and a Hard Place

What happens when an irresistible force hits an immovable object? Something gives. Or does it? In the war-torn country of Sri Lanka, there remains a constant clash between the country's government and non-state actor (NSA) groups that terrorize the region and its people. The chief NSA that opposes the government is the Liberation Tigers of Tamil Eelam (LTTE), an insurgency group whose goal is to form an independent state for the 3.2 million Tamil people that make up the minority ethnic community.

Tension between the LTTE and the Sri Lankan government has remained high since 1983 and over 9,500 people have lost their lives since 1996 alone. In recent years, efforts have been undertaken to control the use of AP mines from both government and non-state perspectives. However, despite these efforts,

AP mine use remains high because neither party wishes to risk its own safety. Major Peiris of the Sri Lankan army (SLA) said, "We still need landmines to defend our bases. They provide us with an early warning of an enemy attack." While the army is currently removing mines, Peiris reaffirms his position: "Until there's a permanent, peaceful solution, we can't stop using mines."

## Who are NSAs and What do They Want?

In countries where citizens sometimes express their views through violent actions, conflict is inevitable. The most common issues to arise are related to NSAs, defined by the Geneva Call as "any armed actor operating outside state control that uses force to achieve its political/quasi-political objectives. They include armed groups, rebel groups, liberation movements and de facto governments." NSAs

plant landmines and fight police and government security forces in an effort to fulfill their military purposes, primarily to inflict fear and chaos in the lives of civilians. Many NSAs produce, stockpile and use mines, and it has been reported that NSAs used AP mines in at least 27 countries between 2001 and 2003.

## Fatal Focus: Recent History of the LTTE Versus the Government

Between 2000 and 2001, relations between the LTTE and the Sri Lankan government went from bad to worse. Use of AP landmines and fighting increased, leading to higher numbers of casualties. United Nations mine action awareness programs were terminated and Sri Lanka was encouraged to sign the Anti-Personnel Mine Ban Convention. Although Sri Lanka chose not to sign the convention, it did vote in favor of the pro-ban UN General Assembly resolution in

November 2000 and participated as an observer at several mine ban-related meetings. Heavy fighting between the LTTE and the government persisted throughout 2000–2001, with the exception of a four-month ceasefire. The government attempted to retake lost territory from the LTTE and found extensive landmines, recovering more than 1,000 AP mines in January 2001 alone.

In 2002, the Sri Lanka campaign entered into a partnership with Geneva Call and Landmine Action to promote a mine ban to both parties. The government's agreement to the Anti-Personnel Mine Ban Convention was contingent upon the LTTE's agreement as well. Following that meeting, in December 2002, Geneva Call representatives and chief adviser and political negotiator Anton Balasingham met with the peace delegation of the LTTE in Bern, Switzerland, where the LTTE said they were seriously considering signing the convention. Although mines remain a major threat, no reports of mine use by either the government or the LTTE since December 2001 have been made.

The northern and eastern regions of Sri Lanka have received the highest level of landmine attention. Areas affected include urban areas, roads, water sources and fertile agricultural land—areas where displaced people are returning but are in great need of demining. Government estimates state that in May 1999, approximately 20,000–25,000 landmines were laid, and the general belief is that the number has increased to several hundred thousand since the latter part of 1999. In 2003, the government estimated that 700,000 to one million mines were in the ground; HALO Trust estimated that the army laid 900,000 mines in Jaffna and Killinochchi, and the LTTE has estimated that more than two million mines have been planted.

### The LTTE: Fighting for a Cause

The conflict that connects the LTTE and the Sri Lankan government has its roots in 1802, when the island of Sri Lanka fell under British rule. Maps of the time depicted an island of two countries: Tamil in the northeast and Sinhala in the southwest and central areas.

In 1833, the British government integrated native administrative processes but failed to create a common law capable of governing the entire island. Despite efforts made by the new English-educated persons, the two separate

groups could not be unified under one nation. A constitution had been formed by this time, but it proved unequal, giving the Sinhalese an advantage. According to the constitution encouraged by the British, Legislative Council membership was based on communal representation with an agreed number of Sinhalese and Tamil present. However, between 1924 and 1931 the reality changed and a new proportion was set to 2:1 in favor of the Sinhalese. The Devonshire formula, developed to ensure that no single community be in a position to out-vote all others combined, was enforced for some time but for unknown reasons was dropped.

A provision, known as Article 29, was made in 1948 that granted power to the Sinhalese Parliament to make laws for peace, security and good government. The Tamils were ensured that no harm would come to them under this new constitution. Due to this new relationship between the Sinhalese and the Tamils, a conditional polity was formed, the condition being that the ethnic majority Sinhalese would not discriminate against the Tamils, the ethnic minority. Violations of the polity occurred on several occasions, resulting in serious acts of discrimination. As a means of preventing the Tamils from enacting their rights to end the dominion polity, three



Janna Enfinger, left, prepares a Tamil boy for surgery in Jaffna, northern Sri Lanka.

Sinhalese political parties held a vote to end the polity and create a new Republic of Sri Lanka. Support for the new mandate was significant but came primarily from the Sinhalese provinces. Those voters from the Tamil region, for the most part, rejected the mandate.

As a result, the people of Tamil were forced under the rule of the Republican Constitution of 1972, a constitution formed without support from the people of the northeast. The Sri Lankan government currently claims ownership of those areas formerly belonging to the Tamils. According to the LTTE website, "Sri Lanka has no legitimate or legal claim to encompass the north and east, the homeland of the Tamils-Tamil Eelam." The current conflict was born out of this legitimacy issue. Tamils continue to fight for what they believe is their legal right of ownership of the north and east sections of Sri Lanka.

### From Peaceful Plans to Fatal Frustration

In the last 10 years, the LTTE has tried to establish a peaceful relationship with the Sri Lankan government. In 1994, LTTE officials offered solutions to the devastating conflict that destroyed lives and land for decades, but the negotiations between the LTTE and the government quickly soured. The government ignored the requests and conditions set forth by the LTTE that would allow for a cessation of day-to-day problems that tormented the Tamil people. These requests were simple and included a lift on the ban on fishing and an end to the draconian economic embargo that prevented the Tamils from receiving food and medicine.

Sri Lankan prisoners of war were released by the LTTE as an expression of the LTTE's willingness to work things out. The LTTE also stressed that negotiations would not proceed until the day-to-day problems of the Tamil people were resolved. However, the LTTE and government were once again falling short of a mutual agreement, as the government did not honor the request of the LTTE. In addition, once negotiations began, the government changed its mind and demanded that the conflict be solved before it would help the Tamil people.

As time passed and the LTTE continued to feel ignored, the Tamil national leader, Mr. V. Pirapaharan, wrote several letters to the

## Dear Mr. President...: Landmines All Over the World are Tearing Lives Apart

*"The mine is a stealthy killer. Long after conflict is ended, its innocent victims die or are wounded singly, in countries of which we hear little. Their lonely fate is never reported."*

*—Diana, Princess of Wales, 1997*

*Dear Mr. President...* is Saiann Films' second feature film and is due to be completed sometime in 2005. *Dear Mr. President...* focuses on the issues of landmines, which were used extensively by both sides during the conflicts on the island of Sri Lanka. Many people consider Sri Lanka to be a paradise on earth, but are unaware of the huge problem of minefields and other unexploded bombs strewn around conflict areas. This film is a follow-up to the first feature film, *In the Name of Buddha*, about life in troubled Sri Lanka. This film won several awards for its hard-hitting treatment of the conflict.

The story takes place in present-day Sri Lanka. It revolves around the lives of poor rural people who, having been forced to flee from the fighting, return to their village only to find that it has been turned into one giant minefield. We follow the plight of Raja, a poor farmer who struggles to survive in the village. The story shows the problems of daily living in such a dangerous area. It also shows the trauma caused to victims and their families.

Following a landmine accident that maims his daughter, Raja vents his anger by kidnapping a western non-governmental organisation (NGO) worker. This act sets into motion some devastating consequences.

In the story, the villagers struggle to build a pagoda. They believe that building the pagoda will encourage trade with neighbouring villages and will bring prosperity to their village. However, the hidden landmines claim victim after vic-

tim and the villagers are faced with an impossible task. Meanwhile, the villagers also come to hear about the American 9/11 World Trade Centre attack and are horrified.

The villagers feel that they should write a letter of sympathy to the American people. In this letter they also request the president of the United States to set an example for the rest of the world by signing the Ottawa Convention. The village community really believes that their letter will make a difference.

The filmmakers hope that this film will raise awareness among cinema-going audiences. The film also hopes to show how mine clearance experts go about their job and bring hope to communities devastated by landmines. The film is to be made on location in India, Sri Lanka and the United Kingdom. So far, the film is in the early stages and has suffered slight setbacks with funding. Still, the filmmakers are hopeful in light of so many endorsements and such enthusiasm for the project, new financial backers will come forward.

The following organisations have endorsed the film:

- The Diana, Princess of Wales, Memorial Fund
- The International Campaign to Ban Landmines
- Australian Network
- Norwegian People's Aid
- German Initiative to Ban Landmines
- Swiss Foundation for Mine Action

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Anti-vehicle mines, both factory-built and LTTE-constructed, also plague Sri Lanka.



Julie, left, and Sarojiny, right, use a rake to manually clear landmines in Kilinochchi on the northern peninsula of Sri Lanka.



A landmine detection dog plays with his handler during their graduation ceremony at an army training school in Embilipitiya, 130 kilometers southeast of Colombo, Sri Lanka.

government expressing his concerns. A temporary cease-fire was established, but the government repeatedly broke it, resulting in the deaths of Tamil people and LTTE members. As cited from the LTTE website, "The LTTE became convinced that the government was not sincerely interested in resolving the ethnic conflict by negotiation. The LTTE also became convinced that the government was not prepared to offer any substantial political framework that could satisfy the political aspirations of the Tamil people."

When deadlines placed by the LTTE were not taken seriously by the government, the LTTE again sent letters, released by the press, that gave the government dates on which armed conflict would resume if requests from the LTTE were not met. Finally, with no other option left, the LTTE resumed struggle on April 19, 1995.

The government blamed the LTTE for the conflict and falsely portrayed the LTTE as being opposed to justice and a peaceful solution to the conflict.

## The Here and Now

Although neither party has come forward to sign the Anti-Personnel Mine Ban Convention, there is a possibility of cooperation in the future. For example, the Sri Lankan government announced on July 13, 2004, that it would accede to the Convention on Certain Conventional Weapons as well as to Protocol II on mines, booby traps and other devices, the protocol on incendiary weapons and protocol IV on blinding laser weapons. The LTTE has met with Geneva Call but has not

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## LTTE and Landmines: Fact Sheet

- LTTE use of mines since 1983
- Increased use of mines by LTTE and government in 2000/2001
- UN mine action awareness programs terminated in 2001
- Sri Lanka not known to produce or export AP mines
- UNDP reports finding Pakistani P4, Chinese Type 72, and Italian VS/50 AP mines laid by government
- LTTE manufacturers improvised explosive devices (IEDs), Jony Mines and Claymore-type mines.
  - 16,000+ government soldiers injured from improvised mines
  - January 2001: more than 1,000 LTTE AP mines recovered by the government.
  - As of May 2001: at least 33 killed and 41 injured from mines (civilians and government security)
- A total of 16,356,485 square meters of land was cleared in 2002, including 36,880 mines and 10,198 pieces of UXO.
  - 2002: 15 to 20 mine accidents per month, 2003: four to seven per month
  - Most 2003 accidents related to UXO occurred in Jaffna
  - Most heavily mined areas are south of the line of control in Jaffna, in areas controlled by the LTTE.
- HALO Trust, Danish Demining Group and U.S. Department of State contractor RONCO Consulting Corporation are engaged in removing landmines and UXO.
  - July 14, 2004: Landmine Ban Advocacy Forum called on the government and the LTTE to sign the ban against the use of AP mines. It also called on the government to sign the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of AP Mines and on Their Destruction (Ottawa Convention), and the LTTE to sign the Geneva Call Deed of Commitment.
  - July 17, 2004: SLA gave 450 acres of paddy lands in Maravanpulo village to the Jaffna District Government Agent. The area was stated to be free of mines.

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signed any documents.

According to the United Nations Development Program (UNDP), "The ceasefire agreement still holds and there is no fighting. The commitment of both parties to improvement of the situation on the ground has led to good cooperation in mine action to enable conditions of people in the north and east—especially after the reopening and reconstruction of the main road linking the north with the rest of the country—and return of hundreds of thousands of internally and externally displaced people." Despite the remainder of mined areas, incidents have gone down since the ceasefire in 2002. An average incidence rate of four to seven per month occurred in 2004 as compared with 15–20 per month after the ceasefire in 2002.

## Conclusion

Despite the troubles Sri Lanka has faced, the clouds are slowly parting and blue skies are peeking through. Efforts continue to be made to make the land free of landmines and to cool the passions of the LTTE and the SLA. Only time will

reveal if peace will be a reality. Efforts continue to be made to make the land safe from mines.

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