



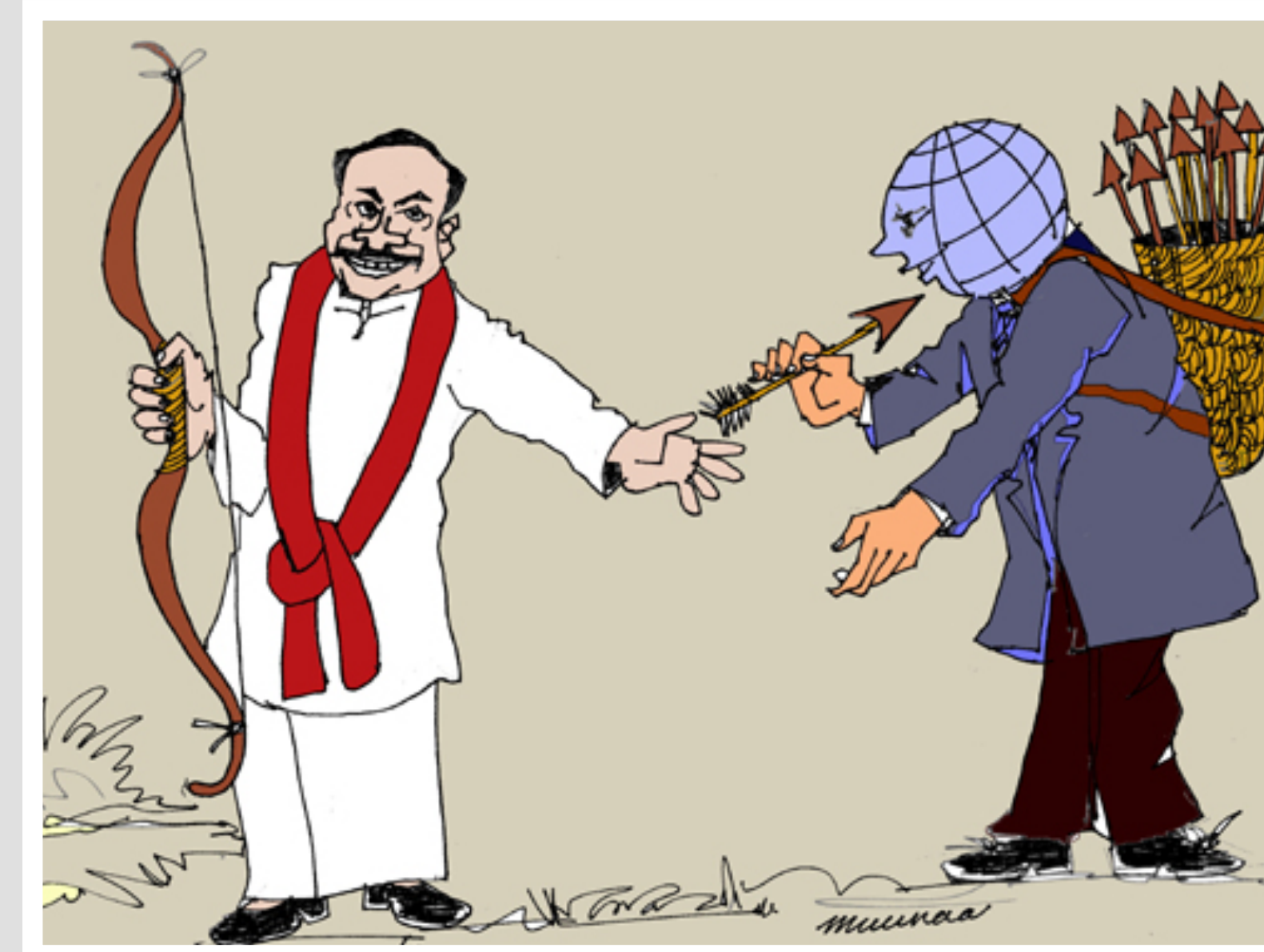
R2P and Sri Lanka - Past and Present Failures

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Introduction

From Sept 2008 to May 2009, conservative estimates are that a minimum of between 40,000 - 70,000 Tamil civilians were brutally murdered in Sri Lanka, as the decades-long conflict between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) came to a bloody end.

The international community stood by, cognisant of the crimes perpetrated by the state but inactive. To this day, no one has been held accountable for these past atrocities, nor present ongoing abuses.



The State is the Problem

The fetishisation of the State. The bias towards the State. The presumptions regarding a State.

The near infallibility of an existing State and the reluctance to recognise new States.

The sacred cow of "Sovereignty", then and now. There were a myriad of reasons for the reluctance to intervene in 2009 and today, including considerations of humanitarian access, the hope for diplomacy but also geo-political, strategic and national interest concerns.

Conclusion

Recognise that this is an on-going situation not an historical case study.

Through adoption of a post colonial critique, dispense with attempts to 'solve' that apply universal prescriptions without consideration of local specificities.

Demand as the first step an International Independent enquiry that embraces the historical context in order to expose the scale of the crimes by the State, both historic crimes and on-going human rights violations.



Chappatte in 'International Herald Tribune' - [http://www.ihrt.com/2009/09/09/090909.html](#), 2009 - reproduced with permission.

Competing Frameworks.

A vulture that presents itself as a dove. A project for the liberal peace, A front in the Global war on Terrorism.

It is necessary to reject the direct and un-nuanced application of whatever trend is current in IR thinking and implementation, be it New Wars theory, Realism, the Liberal Peace, Greed v Grievance.

Time to read in historical context and to expose the bias inherent in how "we" see and attempt to "solve". Time to bring to light the crimes committed, to understand those crimes through analysis of history, ideology and narrative. Time to trouble the dominant stereotype of the pacific Buddhist.



Literature

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A failure of R2P

Not a war without witness, but a war where a decision was made not to bear witness.

The UN Petrie report, detailed both the extent of knowledge of the crimes perpetrated by the Sri Lankan state against its citizens and the lack of action in the face of such knowledge.

Regarding R2P, the Petrie report records,

"The concept of a 'Responsibility to Protect' was raised occasionally during the final stages of the conflict, but to no useful result. Differing perceptions among Member States and the Secretariat of the concept's meaning and use had become so contentious as to nullify its potential value. Indeed, making references to the Responsibility to Protect was seen as more likely to weaken rather than strengthen UN action. The events in Sri Lanka highlight the urgent need for the UN to update its strategy for engagement with Member States in situations where civilian populations caught up in the midst of armed conflicts are not protected in accordance with international human rights and humanitarian law."

Genocide – Clear and Uncontestable grounds for R2P

What is genocide?

Etymology, origins and evolution
Restoring Lemkin's understanding

The models:

The rolling 60 year model – 2009 in historical context, and with consideration to current abuses.
The comparative model – Sri Lanka and Srebrenica

The ramifications of its use - "There can be no neutrality in the face of Genocide" (UN 1999)

The present state of affairs

Enduring Militarization. Rejection of a political solution. Lack of accountability. Cultural genocide. Demographic re-configuring.

TAG research ('Returnees at Risk' and 'Activist Intimidation') has identified that the GoSL defines 'traitor' and 'terrorist' broadly to include both those who call for accountability for crimes committed before during and after *Eelam IV*, and those who are considered to bring Sri Lanka into international disrepute, such as asylum seekers and protesters. Commensurate with its assessment of the threat, the GoSL allocates resources to collecting (both through surveillance and interrogations) and then acting upon that threat.

The International Community mirror Sri Lankan rhetoric and reasoning, and vice versa, and are appeased by talk of Counter – Terrorism, Development and Reconciliation.

Further information

TAG's reports and press releases: www.tamilsgainstgenocide.org

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