
The Geneva Convention, Kadirgamar and postwar Sri Lanka

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Aug 12 marked the fourth anniversary of the death of Lakshman Kadirgamar. By Dayan Jayatilaka The killing of Lakshman Kadirgamar illustrates why warfare is sometimes necessary. There are totalitarian forces so evil (in the sense that Hannah Arendt wrote of fascism), that they have to be contested, combated and prevailed over by the use of violence. Yet, how does one wield that violence in the struggle against political evil? How does one prevail over the external evil one combats while constraining the evil potentially within oneself? How does one prevent the moral and ethical erosion that always threatens, when one wields the weapons of death and destruction? The Geneva Convention has laid down in successive conventions dating back to the 1860s, the humanitarian norms to be observed in warfare. Humanitarian norms and standards are universal because the human condition is universal. No cultural, historical or civilizational specificities can overcome the essential humanness of us all. This existential universality transcends all particularity, and therefore applies to all human beings caught up in combat. The arguments of cultural relativism are not recognized by international humanitarian law. The ICRC is the instrument of the Geneva Convention and the custodian of International Humanitarian Law. It is the keeper of the human conscience in conditions of armed human conflict. Lakshman Kadirgamar was steeped in international law. He was also a staunch defender of national sovereignty, unlike many who invoke international law only to celebrate the erosion of national sovereignty. Kadirgamar was a Sri Lankan, an internationalist-universalist and a "non-tribalist" (to use his words) Tamil. There are many Tamils who reject Lakshman Kadirgamar for having eschewed a narrow Tamil nationalism in favour of a Sri Lankan identity, while there are as many Sinhalese who misunderstand Kadirgamar's Sri Lankan identity and adopt him as an honorary Sinhalese, while being unwilling to transcend their own identity as he transcended the limits of his. They must remember that his critique of Tiger terrorism and of the ceasefire agreement (CFA) were devoid of historical-cultural references; his foreign policy doctrine was far from isolationist and rested on strategic ties with India and China while maintaining an active engagement with the international system and constant friendly dialogue with the USA; his vision of a united Sri Lanka contained as an intrinsic component, extensive devolution making for regional autonomy. His views were clarified in his ETV interview of June 1 1995 when he said "you will need extensive devolution of power, on the model of building up an autonomous region…" In his impassioned speech in Parliament while presenting President Kumaratunga's draft Constitution of August 2000, he pleaded with the House to give him a viable alternative to Tamil secessionism with which he could convince questioners in capitals across the globe. In the ETV interview of June 1 1995 given to Ravi John, he said: "Have we not all suffered far too much over the years because of party divisions on this problem, all these years and we have wasted so much time, where the economic development of this country could have gone on massively fast and well sometimes it makes one weep when you look at countries like Malaysia and Singapore which 20 years ago, 30 years ago were far behind us. They say so. They were telling me last week, they weep for Sri Lanka, because of the number of buses that we have missed and many of them, those buses that we missed are because we got so deeply involved in the ethnic problem on the wrong basis. Therefore I feel that certainly there is enough solid, sensible opinion in the country, on all sides, to solve this problem and I hope very much that they will come to the fore. These words illuminate the choices we face at the crossroads we have currently arrived at after the war and victory over the fascist separatist enemy. (Dr. Dayan Jayatilaka is Sri Lanka's outgoing Ambassador/Permanent Representative to the United Nations in Geneva. These are his personal views written on request by the Sunday Times) Courtesy: sundaytimes.lk