

ABSTRACT

**PROTECTION OF HUMAN RIGHTS AND COMPLIANCE  
WITH PRINCIPLES OF  
INTERNATIONAL HUMANITARIAN LAW:  
IMPACT OF TRAINING ON SRI LANKA ARMY-  
ASSESSMENT ORIENTED STUDY**

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## ABSTRACT

The ethnic conflict which took a violent turn in Sri Lanka continues for more than two decades. The chief protagonists of this conflict, the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) engaged in military pursuits which caused immeasurable damage to the lives and properties of the people of all spectrums. The conflict has been now characterized as a high intensity war.

Human rights law and humanitarian law have greater relevance and application in civil war situation as that of what Sri Lanka is facing today. However, degree of commitment and adherence to these laws by the parties mainly depends on the nature of the conflict. The protracted conflict and status of parties to the conflict remain determining factors which influence serious Human Rights (HR) and International Humanitarian Law (IHL) violations by both parties.

Sri Lanka Army (SLA) plays a prominent role in ensuring security and maintaining law and order in the country. Trapped in conflict situations, it is very common that the Army gets accused of committing many violations of HR and IHL norms, and similar rules. International human rights organizations quite often find fault with the State for such violations. This is the same case with the belligerents as well.

Sri Lanka Army, encouraged by the government, in addressing this problem of violations, initiated a comprehensive, coordinated programme to introduce IHL and HR as a discipline and integral part of the training to the members of the Army. It was considered as a powerful tool to minimize violations of IHL and HR by the members of the Army.

This study examines the effectiveness of steps taken by SLA to minimize IHL and HR violations through such training, enhancing awareness, and disseminating knowledge in this field and evaluates the impact of such training on the conduct and attitude of the soldiers in relation to IHL and HR norms and practice. This quantitative and qualitative research exercise will explore any defects in this endeavour and propose further action. Based on findings, the study will suggest a comprehensive and more appropriate second phase of training that could facilitate a internalising of IHL and HR norms into the service, whilst facing new challenges.

Review of available literature was undertaken for exploring origins of IHL and HR, tracing the applicable situations internationally and in Sri Lanka and looking for available evidence to support the need for integration of IHL and HR into the SLA, and available opportunities to justify objective of the research in relation to achieving aims of research undertaken.

This area of study was explored at the inception of the military's IHL and HR Five Year Training Programme, in 2001. As the research is largely work based, it has focused on specific training requirements significant to the SLA. Key arguments will be based on literature, best practices in establishments with background information such as statistics, reports and evidence. Research has adopted the methods of structured or semi-structured interviews, questionnaires and focus group discussions with members of the army who have experienced knowledge on merits and demerits, selected at random from different hierarchical levels, and findings make up the primary data for the study.

Research began in 2005 through systematic distribution of questionnaires through SLA's wide-spread human rights cells, and field visits made island-wide collecting information during years 2005 to 2006. In-depth study of impact of

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training on protecting HR and compliance with principles of IHL in the Sri Lanka Army confirmed that training directly impacts on minimizing violations of the norms of IHL and HR by the members of the Army. Indeed, findings of research prove that a high level of integration of IHL and HR norms into military training would significantly reduce IHL and HR violations. It is found initiatives by Sri Lanka Army and Government to minimize conflict related IHL and HR violations through implementation of IHL and HR five-year training programme (2000 - 2005) proved a success, due to political willingness at highest levels of the necessity for military to respect human rights and comply with international humanitarian law. Also, that Sri Lanka Army having structures conducive to integration of IHL and HR at training and operational levels has greatly contributed to the success of the five-year initiative.

Sri Lanka Armed Forces now quite often is called upon to perform responsibility relating to peace keeping needs. Nevertheless, the Army is still to build up an image suitable for undertaking such missions against the negative projection of court cases and punitive sentences. Above all, acceptance of the need for IHL and HR education for the military as well as their commitment to preserve IHL and HR is imperative for programme's success as well as its underlying goal of minimizing violations by military personnel.