

## **Coalition to Stop the Use of Child Soldiers**

### **Forum on armed groups and the involvement of children in armed conflict Chateau de Bossey, Switzerland, 4 to 7 July 2006**

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#### **Sri Lanka**

#### **The Liberation Tigers of Tamil Eelam (LTTE) and child recruitment**

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#### **History and context of the armed conflict**

Sri Lanka's modern history has been dominated by a Tamil secessionist campaign since 1983 when tensions between the Sinhalese majority and the Liberation Tigers of Tamil Eelam (LTTE), a group seeking an independent homeland for the minority Tamil population in the north and east of the country, erupted in violence. Approximately 64,000 people have been killed in a war characterized by grave human rights abuses, including thousands of "disappearances", on both sides.

Besides the ethnic war, there have also been two uprisings in the past 30 years by the Marxist People's Liberation Front (JVP), resulting in crackdowns in which an estimated 80,000 people died. The JVP, which is opposed to devolving power to the Tamils, has since entered mainstream politics and has 39 members of parliament.

#### ***The rise of Sinhala nationalism***

A small English-speaking local elite, spanning both Sinhala and Tamil communities, which developed during the British colonial period continued to hold power after independence and ruled in much the same vein as their colonial predecessors. The passing of the Official Language Act of July 1956 – often referred to as "Sinhala only" – was a major step towards defining Ceylon<sup>1</sup> as a primarily Sinhala state. Under this legislation, Sinhala became the sole official language with clearly damaging implications for the employment prospects of many Tamil speakers. The denial of Tamil language rights was met with an intense non-violent protest campaign and the first of several outbreaks of anti-Tamil violence, particularly in the south and east.<sup>2</sup>

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<sup>1</sup> Ceylon became independent in 1948, retaining its earlier name until a republican constitution was promulgated in 1972, when it was renamed Sri Lanka.

<sup>2</sup> Elizabeth Nissan, "Historical Context", *Demanding Sacrifice: War and Negotiation in Sri Lanka*, Conciliation Resources, Accord Series, 1998, <http://www.c-r.org/accord/series.shtml>.

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Increasing numbers of Tamils felt the state considered them second class citizens and a new militancy grew up within Tamil politics.<sup>3</sup> By the mid 1970s mainstream Tamil politicians were publicly advocating the establishment of a separate state (“Tamil Eelam”).<sup>4</sup> Amid heightening tension and increasing militarism on all sides, the key turning point in the conflict came in July 1983, when anti-Tamil violence in the south erupted on an unprecedented scale. The violence was provoked by an LTTE ambush which killed 13 soldiers near the northern peninsula of Jaffna.

By the mid-1980s the LTTE had established itself as the most powerful militant group in the north and east, and by 1989 it was effectively governing significant portions of north and east Sri Lanka, running a de facto state which collected tax revenue and administered justice through a system of policing and courts.

***The “Eelam wars”***

The first phase of the conflict between the LTTE and the government (the First Eelam War) culminated in the signing of the Indo-Lanka Accord in 1987 which established India’s role as mediator and a commitment on the part of the Delhi government to ensure an end to hostilities by Tamil militants. The Indian Peace Keeping Force (IPKF) was introduced into Sri Lanka immediately after signing the accord. Fighting continued in the north and east between the IPKF and the LTTE, with human rights abuses on both sides.<sup>5</sup>

The withdrawal of the IPKF from Sri Lanka in March 1990 brought about a ceasefire and a spell of negotiation between the Sri Lankan government and the LTTE. These talks collapsed in July 1990 with the LTTE launching a series of attacks on government security forces, one of which involved the gunning down of some 600 policemen. The Second Eelam War lasted over the next four years with neither side making significant headway.

Peace talks were initiated in August 1994, soon after the People’s Alliance (PA) won the parliamentary polls. These negotiations and the accompanying ceasefire (with hardly any concession or compromise being made by either side) lasted about 100 days, and ended abruptly in April 1995, marking the commencement of the Third Eelam War. The next seven years symbolized the most destructive phase of the secessionist conflict, marked by high-intensity military confrontations with both sides using sophisticated weaponry. Extensive damage was caused by the LTTE by attacks on civilian installations outside the north and east, such as the 1996 bombing of the Central Bank in Colombo which killed more than 90 civilians. Both the army and the LTTE failed to take adequate measures to avoid civilian casualties, and were responsible for deliberate killings of civilians. Many Tamils lost family members to the conflict and experienced or witnessed abuses by government forces. Tamils suspected of involvement with the LTTE were extrajudicially executed, “disappeared”, and were tortured by the security forces. The

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<sup>3</sup> Elizabeth Nissan, “Historical Context”, op. cit.

<sup>4</sup> Alfred Jeyaratnam Wilson with A. Joseph Chandrakanthan, “Tamil identity and aspirations”, *Demanding Sacrifice: War and Negotiation in Sri Lanka*, Conciliation Resources, Accord Series, op. cit.

<sup>5</sup> See, for example, *Amnesty International Reports* 1988 to 1991.

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LTTE engaged in retaliatory killings of Sinhalese and Muslim civilians, and killed Tamils suspected of being informers or considered to be “traitors”.<sup>6</sup> In the course of the conflict, Sri Lankan government forces reportedly engaged in a pattern of indiscriminate aerial and artillery bombardment of areas populated by civilians.<sup>7</sup>

***Peace talks and Norwegian facilitation***

Through a series of military victories in the late 1990s the LTTE had brought extensive areas under its control and created a certain military parity of status with the government of Sri Lanka.<sup>8</sup> In late 1999 and early 2000 the LTTE launched a major offensive in the north and east, seizing new territory and inflicting large losses on government armed forces. Unilateral ceasefires declared by both the government and the LTTE in late 2001 were followed by a formal Cease Fire Agreement (CFA) in February 2002. Under the CFA the Government of Sri Lanka (GOSL) and the LTTE, facilitated by the Norwegian government, agreed to set up an international monitoring mission, the Sri Lanka Monitoring Mission (SLMM), to monitor implementation of the CFA and to enquire into and assist parties in the settlement of any disputes related to the Agreement. The SLMM currently consists of civilian and military members from the five Nordic countries, Norway, Sweden, Finland, Denmark, and Iceland. Peace negotiations facilitated by the Norwegian government started in Thailand in September 2002.

Until early 2003 all indications were that the peace negotiations were making tangible progress. Six rounds of talks between the government and LTTE were conducted over a six-month period (commencing September 2002) through which there emerged indications of consensus being reached on internal self-government in the north and east through a federal system. This received widespread endorsement and support, backed by a large but conditional aid commitment from the international community.

Meanwhile, the incidence of violations of the CFA that had formalized the truce started rising. In April 2003 the LTTE announced its withdrawal from the negotiations, ostensibly as a gesture of protest at not being invited to an international forum on aid to Sri Lanka and against its continuing proscription in the United States.

The LTTE then announced that it would not participate in peace negotiations until the government of Sri Lanka agreed to establish an interim administration in the north and east. The proposals for such an administration formulated by the government in July 2003 were rejected by the LTTE which, in turn, submitted its own proposals in the form of a draft for an Interim Self-Governing Authority (ISGA).<sup>9</sup> Since then the LTTE leadership has been increasingly insistent that resumed negotiations should focus exclusively on its ISGA. The inter-party alliance which came to power following parliamentary elections in April 2004, though persistent in its rejection of the ISGA proposals in their original form, initially showed some flexibility by supporting

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<sup>6</sup> See *Amnesty International Reports 1996 to 2002*, <http://web.amnesty.org/library/engindex>.

<sup>7</sup> *Human Rights Watch Report 1995*, <http://www.hrw.org>

<sup>8</sup> J. Uyangoda and M. Perera, *Sri Lanka's Peace Process 2002 - Critical Perspectives*, Colombo: Social Scientists' Association, 2003.

<sup>9</sup> *Amnesty International Report 2004*.

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the idea of establishing an interim administration over which the LTTE would exercise substantial control.

***Increasing tensions and instability***

Instability in Sri Lanka's mainstream politics was exacerbated by a revolt that broke out within the ranks of the LTTE in early March 2004. Led by its chief military commander in the Eastern Province, V. Muralitharan, known by his *nom de guerre* Karuna, it encompassed fierce confrontations between the breakaway group and the forces of the LTTE high command based in the north. The conflict resulted in a large death toll among both groups, the disruption of civilian life in the main venues of the rebellion in the eastern lowlands, and innumerable violations of the CFA, placing the faltering peace efforts in further jeopardy.

Although Karuna disbanded his forces (popularly known as cadres) and went into hiding after four days of fighting, this split profoundly altered the political and military situation in the east. Since the split, remaining elements of the Karuna group have continually ambushed and attacked the LTTE and those affiliated with it, while the LTTE has sought to regain control of the east through a violent crackdown, not just on Karuna supporters, but on any dissent within the Tamil community. The LTTE has since been alleging Sri Lankan army support to Karuna and other Tamil paramilitaries opposed to them.<sup>10</sup> The government has repeatedly denied this charge.

The political and human rights situation in the north and east has deteriorated considerably since the November 2005 Presidential elections. Several hundred people, many civilian, have been killed in attacks by both government forces and the LTTE, and over 20,000 people have been displaced due to renewed fighting.<sup>11</sup> On 22 February 2006 the government of Sri Lanka and LTTE met in Geneva for the first time since talks broke down in 2003, primarily to look at ways of strengthening the CFA. The outcome of the talks was positive and both parties agreed to stop attacks on each other while committing themselves to renewing peace talks in April. Peace talks did not take place in April and since then violence has rapidly escalated on the ground.

***Tsunami and its political fallout***

In December 2004 the Asian tsunami caused devastation around the coast, killed over 31,000 people and caused hundreds of thousands to become displaced. Initial cooperation between the LTTE and the government in providing relief gave way to wrangling, as the LTTE accused the government of discriminating against the north and east in the distribution of aid. Then, following the Post Tsunami Operational Management Structure (P-TOMS) agreement in May 2005 between the government

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<sup>10</sup> See, for example, *Amnesty International Report 2005*, and "STF, SL ministers complicit in paramilitary operations, Karuna in India", Tamilnet, 12 December 2005, <http://www.Tamilnet.com>, cited in Report of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on a Mission to Sri Lanka 28 November to 6 December 2005, UN Doc. E/CN.4/2006/53/Add.5, 27 March 2006, download from <http://www.ohchr.org/english/bodies/chr/special/themes.htm>.

<sup>11</sup> Amnesty International, *Sri Lanka: Amnesty International Condemns Killings of Civilians* (AI Index: ASA 37/014/2006), 16 May 2006.

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and the LTTE to jointly manage the distribution of tsunami aid, the JVP withdrew from the government coalition in protest.<sup>12</sup>

Aid became subject to patronage and national politicians focused on the south coast because most of their constituency comes from the Sinhala majority in the south of the country.<sup>13</sup> On 15 July, in response to an application by the JVP, the Supreme Court of Sri Lanka made an interim judgment declaring the P-TOMS agreement at odds with the Constitution as, among other things, it was unacceptable to locate the P-TOMS headquarters in a rebel-held area. Although the Court's objections were relatively minor, the judgment made it impossible to proceed with the agreement. Some observers, not only Tamil, cast doubt on the independence of the judgment, suggesting that the government had been playing a double game of appearing supportive while blocking the agreement through judicial means.<sup>14</sup>

The LTTE was also furious about the government stopping UN Secretary-General Kofi Annan's planned visit to the affected areas under their control.<sup>15</sup> Observers felt that the collapse of P-TOMS had an important impact on the LTTE's responses towards the peace process and future dealings with the government.<sup>16</sup> In August 2005 the foreign minister was assassinated, reportedly by the LTTE. Throughout 2005 there was an escalation in violence and insecurity in the north and east, with killings, ambushes and skirmishes involving the LTTE, the Karuna faction and the Sri Lankan Army.<sup>17</sup>

### **Ideology of group and political objectives**

Since its inception the LTTE's struggle for a Tamil homeland or *Eelam* has been characterized as a liberation struggle which would ultimately lead to the creation of a casteless, Tamil nation. Much of their claims for legitimacy lay in the fact that throughout most of the island's history, there were two separate kingdoms, one Tamil and one Sinhalese.

The LTTE bases its political ideology on the belief that the majority Sinhala nation will not recognize the Tamil people's national identity and their legitimate claim to political power and an armed struggle to fulfil this ultimate objective is both necessary and desirable. Its particular brand of Tamil nationalism selectively revives religious concepts relating to a martyr cult, and those connected with the aim to

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<sup>12</sup> Amnesty International Report 2006.

<sup>13</sup> Georg Frerks and Bart Klem, *Tsunami Response in Sri Lanka: Report on a Field Visit From 6-20 February 2005*, Disaster Studies, Wageningen University, Conflict Research Unit, Clingendael Institute, 14 March 2005,

[http://www.odi.org.uk/ALNAP/tec/pdf/Wageningen\\_tsunami\\_response\\_in\\_srilanka\\_20050314-.pdf](http://www.odi.org.uk/ALNAP/tec/pdf/Wageningen_tsunami_response_in_srilanka_20050314-.pdf)

<sup>14</sup> Mary Kaldor, *The European Union and Sri Lanka: Tsunami Response and Long Term Policy*, October 2005, The Centre for the Study of Global Governance, London School of Economics and Political Science, and Ministry for Foreign Affairs Sweden,

<http://www.sweden.gov.se/content/1/c6/06/12/84/39318e03.pdf>

<sup>15</sup> Georg Frerks and Bart Klem, *Tsunami Response in Sri Lanka*, op. cit.

<sup>16</sup> Coalition Interviews in Colombo, February - March 2006

<sup>17</sup> Amnesty International Report 2006, op. cit.

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establish a separate state.<sup>18</sup> The LTTE leadership therefore bestows posthumously the title *virar*, Hero, or *mā-virar*, Great Hero, to all men and women cadres.

After maintaining the right to independence for nearly two decades, the LTTE made the first public shift in its political goal on 26 November 2002 when its leader declared that he would favourably consider a political framework that offers substantial regional autonomy and self-government to the Tamil people on the basis of their right to internal self-determination.<sup>19</sup> Since then, ideas on political autonomy within a federal framework have been periodically discussed by the LTTE even while it has continued to use the language of self-determination and political independence.

The state-building project of the LTTE is closely linked to their political project of representing and delivering self-determination for the Tamil nation, becoming both the sole representative and guardian of Tamil nationalism as well as the only military power capable of confronting the GOSL (providing a degree of external security), but also repressing internal anti-LTTE political and militant forces.<sup>20</sup>

**Military strength, command and leadership structure, foreign support**

The LTTE began its armed conflict with the government of Sri Lanka in 1983 and relies on a guerrilla strategy that includes the use of terrorist tactics. It has control over most of the northern and eastern coastal areas of Sri Lanka but has conducted operations throughout the island.

The LTTE has its headquarters in Killinochchi, in the Vanni region of northern Sri Lanka and an extensive network of checkpoints and informants to keep track of anyone entering the group's area of control. Vellupillai Prabhakaran heads the LTTE power structure, as chairman of its central governing committee and “commander-in-chief” of its army. He is advised by S.P. Tamilchelvan, the head of the political wing; Anton Balasingham, his London-based international adviser on political issues; and is said to be guided by Pottu Amman and others on military matters.

The LTTE is a highly structured organization with an active political wing and a military structure along the lines of that of a professional army. The military branch includes its own intelligence unit, a small air force, and a naval unit known as the Sea Tigers. Most renowned of the military units is the Black Tiger Squad, which is notorious for its ruthless suicide attacks, and is capable of operating outside the north and east, including in Colombo. All members of the Black Tigers are required to carry a cyanide suicide capsule to escape government capture. The Sea Tigers are operational in the north and east, but the Sea Black Tiger units are capable of operating elsewhere, including in Colombo. The Sky Tigers are said to be aerially inoperative, but in collaboration with the Black Tigers and the anti-aircraft unit have staged important strikes destroying several aircraft both in the air and on the ground.

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<sup>18</sup> Peter Schalk, “The Revival of Martyr Cults among Ilavar”, *Temenos*, No. 33, 1997, pp. 151-190, <http://www.abo.fi/comprel/temenos>.

<sup>19</sup> V. Prabhakaran, Martyr's Day Speech, 26 November 2005.

<sup>20</sup> Kristian Stokke, *Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-controlled Areas in Sri Lanka*, 2006, Department of Sociology and Human Geography, University of Oslo, <http://folk.uio.no/stokke/Publications/Building%20the%20state.pdf>.

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The discovery of a light aircraft on a freshly cleared 1.2 kilometre long airstrip near the jungle east of Iranamadu (in the Wannai area controlled by the LTTE) in 2005 raised fresh speculation on the Tigers air capabilities.<sup>21</sup>

Prior to the ceasefire, the LTTE was reported to have cadre strength of approximately 7,000. However, according to military intelligence sources, the number of trained fighters under its command had increased to about 17,000 by early 2004.<sup>22</sup> The exact effects of the recent split within its ranks on its manpower and arsenal, though believed to be significant, remains unknown. However, the LTTE's image of a cohesive, close-knit organization operating under a monolithic command structure was severely tarnished by the Karuna revolt.

As a highly innovative force, the LTTE is capable of retaliation against aggression, reprisals and pre-emptive strikes. Regular features of the LTTE doctrine feature the unleashing of widespread terror on soft targets: it has bombed Sri Lankan commercial aircraft, trains and buses; gunned down priests, nuns, pilgrims and bystanders in the sacred city of Kandy and shot Muslims worshipping in a mosque in Akkaraipattu in Ampara district; frequently raided non-Tamil border villages and towns, massacring men, women and children; and landmined, ambushed and assaulted military and police patrols and posts. It also has vast experience in limited action against Sri Lankan forces and is highly developed in the art of mobile warfare. Military operations outside the north and east are conducted largely by cadres of the intelligence wing or by Black Tiger suicide squads, who depend on helpers, mostly from the minority Tamil community, to play a supportive role: providing basic intelligence, safe houses, transport or acting as couriers.

### **Foreign support**

The LTTE international network operates in at least 40 countries. International propaganda and fundraising is mostly coordinated by LTTE leaders based both in the United Kingdom (UK) and France, mostly through front outfits. It also uses its international contacts to procure weapons, communications, and bomb-making equipment. It is allegedly involved in numerous transnational criminal activities, including partnerships with Pakistani heroin producers and traffickers, smuggling of persons, extortion from Tamil families living abroad, and various forms of fraud.<sup>23</sup>

In the 1990s, the growing Tamil diaspora had become an important source of income for the LTTE. Many Tamils who had suffered or witnessed abuses by Sri Lankan security forces gladly sent funds to support the LTTE's war against the government, viewing the LTTE as a legitimate representative of the Tamil people and their interests. By the mid-1990s, some experts believed that 80 to 90 percent of the LTTE's military budget came from overseas sources, including both diaspora contributions and income from international investments and businesses.<sup>24</sup> The exact amount of funds is impossible to determine. For example, various sources estimated

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<sup>21</sup> Janes Sentinel Security Assessments - Sri Lanka, April 2005, <http://www.janes.com>.

<sup>22</sup> Janes Sentinel Security Assessments - Sri Lanka, November 2005.

<sup>23</sup> Janes Sentinel Security Assessments - Sri Lanka, November 2005, op. cit.

<sup>24</sup> Peter Chalk, "Liberation Tigers of Tamil Eelam's (LTTE) International Organization and Operations – A Preliminary Analysis", Commentary No. 77, Canadian Security Intelligence Service, 17 March 2000.

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the amount of money flowing from the Canadian diaspora to the LTTE in the late 1990s at anywhere between Cdn\$1 million and more than Cdn\$12 million a year.<sup>25</sup>

However the exact support that the LTTE now enjoys within the Tamil diaspora is difficult to gauge. Fear of reprisals and threats of not being permitted to visit their villages in the north and east appears to silence open criticism of the LTTE. According to a recent Human Rights Watch report, in late 2005 the escalation of LTTE attacks on Sri Lankan forces and the increase in rights abuses by both sides coincided with a massive LTTE fundraising drive among the Tamil diaspora. In Canada, the UK and other parts of Europe, LTTE representatives went house to house and visited Tamil-owned businesses, requesting substantial sums of money, often using intimidation, coercion, and outright threats to secure pledges.<sup>26</sup>

**Popular support and engagement with civil society/NGOs**

The LTTE's power base remains economically deprived Tamil agricultural workers whose families lost their livelihood due to economic reforms in the late 1970s, as well as unemployed urban Tamil youth who faced economic and social discrimination. The extent of genuine support which the LTTE commands from the civilian population is difficult to assess. There is a correlation between Sri Lankan army excesses in the north and east and increased willingness to show solidarity with the LTTE, especially in the climate of fear which has been accentuated since the November 2005 Presidential elections.

The support base of the LTTE has also largely been concentrated in the north and popular support in the east has steadily dwindled over the years. Eastern Tamils have traditionally resented what they perceive as a superior attitude of Northern (Jaffna) Tamils and their dominance in public service and education.

The 2004 revolt within the LTTE has to be therefore seen in the context of the heterogeneity of the eastern population which, in Trincomalee and Ampara districts comprises Muslims, Sinhalese and Tamils, and the internal power dynamics within those groups. The LTTE of the past has not been entirely devoid of internal dissension but the 2004 schism, unlike those of the earlier dissidents, was an open defiance of Prabhakaran's leadership, and an armed challenge based in the main Tiger strongholds of the Eastern Province with substantial civilian support.

The LTTE have also had problems with their own constituency. They exert control over the population in areas nominally under government authority as well as in the areas acknowledged to be under LTTE jurisdiction. This control has generally proved to be coercive and authoritarian throughout the ceasefire period. Indeed many people in the east believe that the climate of fear has increased since the ceasefire. Coerced donations have continued and new areas of "taxation" have emerged (for

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<sup>25</sup> Daniel Byman, Peter Chalk, Bruce Hoffman, William Rosenau and David Branna, "Trends in Outside Support for Insurgent Movements", RAND Corporation Report, 2001, p. 50, [http://www.rand.org/pubs/monograph\\_reports/MR1405/MR1405.ch3.pdf](http://www.rand.org/pubs/monograph_reports/MR1405/MR1405.ch3.pdf); see also Stewart Bell, "Sri Lanka's Civil War and the Canadian Connection", *The National Post* (Toronto), 3 June 2000, and Stewart Bell, "Groups Act as Fronts for Terror", *The National Post*, 9 December 2000, <http://www.canada.com/nationalpost/index.html>.

<sup>26</sup> Human Rights Watch, *Funding the "Final War", LTTE Intimidation and Extortion in the Tamil Diaspora*, March 2006.

example, on checkpoints on the A9 main road to the north which was opened following the ceasefire). The perception that the LTTE as an organization is enriching itself at the expense of the people is quite widespread, and reflects changing attitudes towards the organization.<sup>27</sup>

### **Engagement with local civil society organizations and international NGOs**

The LTTE has had a contentious relationship with civil society organizations in the northeast. During the twenty years of conflict, many Tamil civil society structures, particularly those involved in social activism and conflict mediation, have been significantly weakened or destroyed.<sup>28</sup> Intimidation by authoritarian LTTE officials has continually frustrated local civil society organizations and deprived them of essential political freedoms needed for them to operate in a meaningful manner.<sup>29</sup>

Due to these difficulties, as well as lower donor interest, prior to the 2002 ceasefire fewer international aid organizations worked in the Vanni than do so currently. In 2000 there were eight international non-governmental organizations (NGOs) in the entire region and their program objectives were defined as humanitarian relief activities. This has changed significantly since the ceasefire. By May 2003 there were eight international NGOs with permanent offices in Killinochchi alone. Despite this increase in numbers, they have limited autonomy: NGOs working on rights issues – particularly on child recruitment – are continually thwarted, their service delivery stymied and their staff made vulnerable to security risks.

The development work of the LTTE after the 2002 ceasefire agreement has focused on the development of institutional capacity to address relief and rehabilitation needs and the need for coordination of development initiatives. Addressing a meeting of UN and international NGO delegates, S.P. Tamilchelvan, head of the political wing of the LTTE, emphasized “the importance of co-ordinating and synchronizing the activities of humanitarian agencies”.<sup>30</sup> To meet this need for coordination, the LTTE established a Planning and Development Secretariat (PDS) in 2004, and declared that it would be “the pivotal unit that will identify the needs of the people and formulate plans to carry out quick implementation with the assistance of experts from the Tamil Diaspora”.<sup>31</sup> The PDS is now responsible for integrating plans and needs assessments from various organizations in order to increase the effectiveness of resettlement, reconstruction and rehabilitation.

Before the March 2004 split, the LTTE controlled NGOs through NGO consortiums. In the eastern district of Batticaloa, the NGO consortium and the District Development Committee were the main organizations, post-CFA, through which

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<sup>27</sup> L. Philipson and Y. Thangarajah, “The Politics of the North-East”, Part of the Sri Lanka Strategic Conflict Assessment 2005, The Asia Foundation, [http://www.sida.se/shared/jsp/download.jsp?f=Politics\\_of\\_NE.pdf&a=5171](http://www.sida.se/shared/jsp/download.jsp?f=Politics_of_NE.pdf&a=5171).

<sup>28</sup> M. Raheem and V. Gosselin, *Informal dispute resolution in the northeast and Puttalam*. Colombo: Centre for Policy Alternatives, 2003.

<sup>29</sup> P. De Silva, “The efficacy of ‘combat mode’: Organization, political violence, affect and cognition in the case of the Liberation Tigers of Tamil Eelam”, in P. Jeganathan and Q. Ismail (eds), *Unmaking the nation: The politics of identity and history in Sri Lanka*, Colombo: Social Scientists’ Association, 1995.

<sup>30</sup> <http://www.tamilnet.com/art.html?catid=73andartid=1083>

<sup>31</sup> TamilNet, 1 January 2004.

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Karuna carried out development planning for the district on behalf of the LTTE. After April 2004, the president and all members were seen as Karuna loyalists and were either intimidated into leaving the area or were killed. Today, the NGO consortium is run by a person with little influence and no control over the NGOs. Although this suggests a lack of control by the LTTE, both NGOs and government officers feel that development activities are being thwarted by the LTTE, particularly in the east.<sup>32</sup>

The Tamil Rehabilitation Organization (TRO) was set up in 1985 as a charity for Tamil refugees in South India, and has since grown to become a major local NGO in the north and east of Sri Lanka. It has played a particularly significant role in working in partnership with donor countries and international NGOs to channel aid to tsunami-affected areas. Since the tsunami, links between TRO and the LTTE have become more manifest. According to reports, local NGOs in the east are coming under pressure to work with TRO in tsunami reconstruction activities and the LTTE is also seeking to attract more NGOs and development organizations into the areas under its control.<sup>33</sup> There is widespread concern among NGOs and state officials that TRO will gradually ensure compliance of all the NGOs operating in the east, particularly in the context of the environment of terror.<sup>34</sup>

### **The use of children as soldiers**

The LTTE have recruited and used children, some as young as nine, as soldiers throughout the Sri Lankan civil war.<sup>35</sup> The LTTE reportedly began recruiting large numbers of women and children after declaring war against the 100,000-strong Indian Peace Keeping Force (IPKF) in October 1987. Sri Lankan government authorities estimate that at least 60 per cent of LTTE fighters are below the age of 18.<sup>36</sup> The average age of children at the time of recruitment into the LTTE is 15.<sup>37</sup> According to estimates by UNICEF, as of 30 April 2006, at least 1,440 cases of child recruitment are still outstanding with the LTTE. Out of these, 859 children were under-age at the time of recruitment but are now 18 or above.<sup>38</sup>

Estimates of LTTE cadres killed in combat reveal that during the height of the Eelam Wars at least 40 per cent of the fighting force consisted of girls and boys between the ages of 9 and 18. The LTTE has in the past used propaganda to encourage every family to give a son or daughter to the cause<sup>39</sup> and has militarized Tamil schools, sometimes for use as military training grounds.<sup>40</sup> Most teachers reportedly comply with LTTE directives or are forced out of the classroom during

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<sup>32</sup> L. Philipson and Y. Thangarajah, "The Politics of the North-East", op. cit.

<sup>33</sup> *Amnesty International Report 2006*, op. cit.

<sup>34</sup> L. Philipson and Y. Thangarajah, "The Politics of the North-East", op. cit.

<sup>35</sup> Amnesty International, *Children in South Asia –Securing their rights* (AI Index: ASA 04/001/1998), 22 April 1998.

<sup>36</sup> Second periodic report of Sri Lanka to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.17, 19 November 2002, para. 170, <http://www.unhchr.ch/tbs/doc.nsf>.

<sup>37</sup> UNICEF, *Action Plan for Children Affected by War*, Progress Report 2003.

<sup>38</sup> Under-age Recruitment as of 30 April 2006, monthly statistics provided by UNICEF Sri Lanka.

<sup>39</sup> Rohan Gunaratna, "LTTE child combatants", *Jane's Intelligence Review*, July 1998.

<sup>40</sup> G. Goodwin-Gill and I. Cohn, *Child Soldiers*, Oxford: Clarendon Press, 1994.

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recruitment sessions; those who make their opposition known face harassment and attack. Powerful speakers are said to visit schools and deliver fiery speeches about the brutality of the Sinhalese army to inspire the youngsters to join the movement and become “heroes”. Opposition to such recruitment has encouraged the LTTE to promise children that their education will not be interrupted if they join, since classes will be held in the camps.<sup>41</sup>

Other propaganda includes public displays of war paraphernalia, posters of heroes, speeches, videos and heroic songs, used to invoke patriotic feelings in children’s impressionable minds and creating a martyr cult.<sup>42</sup> They are taught verses from the ancient Tamil literary collection, *Puranaanooru* (400 poems of war and wisdom) that romanticizes mothers’ pride in anointing their sons and sending them to win an honourable death in war.<sup>43</sup> The families of child combatants are called “Great Hero families” and receive special status from the LTTE. They pay no levies imposed by the LTTE and receive preferential treatment.<sup>44</sup> For the orphaned, displaced and poor, joining the rebel ranks becomes an attractive option in which financial packages are offered to both the enrollers and their family members.<sup>45</sup> In a society which is often violent and abusive to children and where caste is a determinant of social mobility, joining the LTTE often becomes an easier way to attain social status and respectability.<sup>46</sup>

Initially, children are used as guards, cooks and helpers and then as messengers and spies. They are gradually inducted into the fighting forces, first in battlefield support functions and later in active combat.<sup>47</sup> A typical unit of children is trained for four months in the jungle. All links between the children and their families are broken and discipline is strict. In April 1999 compulsory self-defence training was reportedly instituted for civilians between the ages of 16 and 45 in LTTE-controlled areas.<sup>48</sup> This pattern has been reported again since October 2005. Reports from the eastern districts -- particularly Batticaloa and Trincomalee -- indicate that the LTTE has undertaken large-scale training of entire villages for periods stretching from three to ten days. Some local NGOs indicate that this could help the LTTE identify cadres for future recruitment. There is some evidence which suggests that the LTTE is also taking away students from the Northern and Eastern University for self defence training.<sup>49</sup>

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<sup>41</sup> P.K. Balachandran, “‘Join us, be a hero’, new LTTE mantra”, *The Hindustan Times*, 2 February 2000, <http://www.hindustantimes.com/>.

<sup>42</sup> C. Liyanaarachchi, "Sri Lankan Rebels Still Recruit Child Soldiers", *OneWorld South Asia*, 20 January 2003, <http://www.uthr.org/bulletins/clippings%20of%20bul31.htm>.

<sup>43</sup> N. Manoharan, "Child Soldiers III: 'Baby Brigades' of the LTTE", Article No. 1184, 21 October 2003, Institute of Peace and Conflict Studies (IPCS), <http://www.ipcs.org> (search under Sri Lanka).

<sup>44</sup> Second periodic report of Sri Lanka to the UN Committee on the Rights of the Child, op. cit., para. 173.

<sup>45</sup> N. Manoharan, “Child Soldiers III”, op. cit.

<sup>46</sup> Coalition interview with confidential source, London, 29 March 2004.

<sup>47</sup> N. Manoharan, “Child Soldiers III”, op. cit.

<sup>48</sup> University Teachers for Human Rights - Jaffna (UTHR-J), *The Tragedy of Vanni Civilians and Total Militarisation*, Information Bulletin No. 20, 19 May 1999, <http://www.uthr.org/>.

<sup>49</sup> Coalition interviews, Batticaloa, 23 February – 1 March 2006.

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Children were reportedly used for massed frontal attacks in major battles.<sup>50</sup> The nucleus of the “Baby Brigade” was first formed in early 1984.<sup>51</sup> The *Sirasu Puli* (“Leopard Brigade”), one of LTTE’s fiercest fighting forces, was composed entirely of children.<sup>52</sup>

Ill-treatment of children has been reported, including merciless beating of those who say they miss home. Conditions within LTTE camps are severe and harsh punishments are the norm. However, the cadre are provided with sufficient food and encouraged to study and do sport.<sup>53</sup> Some children have been killed during live firing exercises and their bodies summarily buried.<sup>54</sup> On 20 March 2003 a child soldier was killed from gunshot wounds received during training at an LTTE camp in northwest Sri Lanka.<sup>55</sup>

Observers say the LTTE recruitment drive follows a cyclical pattern depending on international scrutiny.<sup>56</sup> Abduction has been resorted to if the families fail to contribute their quota, and many families are known to flee to safer places to save their children from the LTTE.<sup>57</sup> In March 2003 a report by the University Teachers for Human Rights (UTHR) documented several child abduction cases, indicating that most kidnappings occurred while children, many under 15, were returning from school in both government and LTTE-controlled territories. Some of the children are taken from their homes, but since 2003 Batticaloa residents say the rebels are picking up their targets in the street or on their way home from school.<sup>58</sup> The demand that each family in Batticaloa district give a child has been in force from September 2001. On 7 December 2002 Commander Karuna made a speech to Tamil expatriates in Switzerland, saying; “The Batticaloa people are giving their children, you must give your money!”<sup>59</sup> On 12 May 2002 Yogan of the LTTE’s political wing called parents for a meeting at the Vantharumoolai Krishnan Temple near Batticaloa and demanded a child from each family. Later 12 children were forcibly removed.<sup>60</sup>

While figures compiled by the UNICEF, the Sri Lanka Monitoring Mission (SLMM) and the International Committee of the Red Cross (ICRC) roughly tally and indicate a drop in recruitment statistics – a total of 65 cases of recruitment were reported between November and January 2006, as compared to 129 cases reported

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<sup>50</sup> Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Radda Barnen, 1998,

<sup>51</sup> Second periodic report of Sri Lanka to the UN Committee on the Rights of the Child, op. cit., paras 170-171.

<sup>52</sup> N. Manoharan, “Child Soldiers III”, op. cit.

<sup>53</sup> Coalition interviews with 14 former child soldiers, Batticaloa and Ampara, 3-13 April 2005.

<sup>54</sup> UTHR-J, *The Plight of Child Conscripts, Social Degradation and Anti-Muslim Frenzy*, Special Report No. 14, 20 July 2002, <http://www.uthr.org/SpecialReports/spreport14.htm>.

<sup>55</sup> “Sri Lanka: Child Soldier Dies in LTTE Camp”, Asia Child Rights Weekly Newsletter, 26 March 2003, <http://acr.hrschool.org>.

<sup>56</sup> Coalition interview with confidential source, 8 February 2004.

<sup>57</sup> N. Manoharan, “Child Soldiers III”, op. cit.

<sup>58</sup> L. Beck, “Child Abductions haunt Sri Lanka’s mothers”, Reuters, 23 July 2003, <http://www.dawn.com/2003/07/23/int15.htm>

<sup>59</sup> UTHR-J, *Child Conscripted and Peace: A Tragedy of Contradictions*, Special Report No. 16, 18 March 2003, <http://www.uthr.org/SpecialReports/spreport16.htm>.

<sup>60</sup> UTHR-J, *The Plight of Child Conscripts*, op. cit.

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in July 2005 alone – these statistics should be viewed in light of the increased fear that has engulfed communities in the north and east. There is general consensus among international and local NGOs that the drop in figures is largely due to a fall in the number of complaints made by parents and is not indicative of the actual position.

There are reasons to believe that the LTTE is continuing to recruit under-age youth in territory held by them. Anecdotal evidence suggests that the LTTE is paying workers to identify and recruit children from villages and is now carrying on its recruitment activities in a much more targeted and organized fashion.<sup>61</sup> There are indications that the LTTE is making efforts to get back in touch with its former cadres who were recruited as children: leaflets asking for meetings with former under-age recruits have been recovered by international NGOs. Some international NGOs have received reports that the LTTE has allegedly threatened parents that, if they did not hand over a child, they would not be provided with security when war broke out. The movement in late 2005 of villagers from cleared areas (government-controlled territory) of Jaffna and parts of Batticaloa district to uncleared areas in the control of LTTE indicated a greater degree of compliance on the part of parents to seek LTTE protection, and could partially explain the fall in reported recruitment figures.

Young Tamil girls, often orphans, have also been systematically recruited by the LTTE since the mid-1980s. A UNICEF gender analysis of children recruited since 2002 showed 41 per cent were girls and 59 per cent were boys.<sup>62</sup> According to the Sri Lankan government, an estimated one third of all LTTE recruits are females, who serve in all the units, and over the past several years, nearly all suicide bombers engaged by the LTTE have been girls.<sup>63</sup> Government sources have claimed women are deliberately chosen as suicide bombers because they may not undergo as close a body search as men at checkpoints.<sup>64</sup> Girl trainees are kept separate from the boys, although they are allowed to talk to each other. It has been reported that girls feel more helpless and have been known to plead with boys across the divide to show them a means of escape.<sup>65</sup> Sexual exploitation of minors has not been indicated.

### **LTTE stated policy on child recruitment**

In May 1998 the LTTE made a commitment to the UN Special Representative of the Secretary-General on Children and Armed Conflict, not to recruit children under 17 or to use children under 18 in hostilities,<sup>66</sup> but it made no commitment to release children already recruited.<sup>67</sup> In a meeting with the UN in early 2001, the LTTE

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<sup>61</sup> Coalition interviews, Batticaloa, 23 February – 1 March 2006.

<sup>62</sup> UNICEF, "Gender Analysis, 2006", 26 February 2006.

<sup>63</sup> Second periodic report of Sri Lanka to the UN Committee on the Rights of the Child, op. cit., para. 172.

<sup>64</sup> D. Ganguly, "Female assassins seen in Sri Lanka", Associated Press, 5 January 2000; D. Ganguly, "Female fighters used in Sri Lanka", Associated Press, 10 January 2000.

<sup>65</sup> UTHR-J, *The Plight of Child Conscripts*, op. cit.

<sup>66</sup> Commitment by LTTE to the Special Representative of the UN Secretary-General for Children and Armed Conflict on child recruitment and participation in combat, 8 May 1998, UN Doc. SRSG-CAC/PR/4; "UN Official on talks with the LTTE", TamilNet, 8 May 1998.

<sup>67</sup> S. Perera, "Will Tigers keep their promises? UN official unsure", *The Island*, 10 May 1998.

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claimed they do not recruit under 17 year olds, but rather that those recruited were “mistakes” and promised to investigate any such reports and to release all children under the age of 17. They also promised to publicly announce 17 as the minimum recruitment age, and accordingly put up a sign to this effect near the UN compound in the Vanni.<sup>68</sup>

The LTTE has, in the past, used the lack of opportunities for education to justify child recruitment. As much as the functioning of the public sector was a key grievance behind the emergence and radicalization of Tamil nationalism,<sup>69</sup> the current lack of government services is seen as a reminder of the biased distribution of state resources in Sri Lanka,<sup>70</sup> and has been used as a pretext by the LTTE to explain its rationale behind child conscription. During talks with UNICEF in 2002 prior to the formulation of an Action Plan for children the LTTE admitted to having under-age children within its ranks. Their justification at that point was that they provided a home to a large number of war orphans and provided them with food and education.<sup>71</sup>

The 2003 Action Plan for Children Affected by War was the first (and to date the only) human rights agreement formally entered into between the Sri Lankan government and the LTTE. It included a pledge by the LTTE to end all recruitment of children and to release children from its forces, both directly to the children’s families as well as to new transit centres that were constructed specifically for this purpose.

“We are determined not to accept minors who come to join the LTTE. We hand back such under-age persons to their parents. Yet some minors attempt to join us by claiming that they are older than their actual age. Then I must say that our children’s growth is affected by poverty and malnutrition induced by the war Sri Lanka waged on our people. It is difficult to gauge the actual age of these persons. Also I should draw your attention to the fact that many Tamil parents lost the birth certificates of their children due to constant displacement and destruction wrought by the war. Hence there is no firm basis on which we can verify the age of those who attempt to join up.”<sup>72</sup>

The LTTE renewed its commitment to stop all under-age recruitment during talks with the Sri Lankan government on strengthening the ceasefire agreement in February 2006.<sup>73</sup>

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<sup>68</sup> Information provided by UNICEF to the Coalition on 17 March 2001.

<sup>69</sup> K. Stokke and A.K. Ryntveit, “The Struggle for Tamil Eelam in Sri Lanka”, *Growth and Change*, 31(2), 2000, pp. 285-304, [http://www.unc.edu/~jpickles/UK\\_pickles/growth\\_and\\_change.htm](http://www.unc.edu/~jpickles/UK_pickles/growth_and_change.htm).

<sup>70</sup> TamilNet, 22 September 2002.

<sup>71</sup> In a meeting with UNICEF’s then Executive Director Carol Bellamy in January 2003, Tamilchelvan said that the visit of Ms Bellamy to Killinochchi had given her a true picture of the state of war-affected children. “We explained in detail to the visiting UNICEF official how war affected orphaned children are maintained by childcare centres and how their needs are being catered for with meagre resources”, Mr. Tamilchelvan said (“UNICEF-LTTE agree to work to uplift war affected children”, TamilNet, 31 January 2003).

<sup>72</sup> “UNICEF has erred”, Interview with S.P. Tamilchelvan, TamilNet, 5 March 2005.

<sup>73</sup> “We have given an undertaking of putting an end to recruitment of underage children”, Interview with Anton Balasingham, LTTE Negotiator, *Sunday Leader*, 26 February 2006, <http://www.thesundayleader.lk>.

The issue of child recruitment cannot be separated from other human rights violations routinely conducted by the LTTE, namely assassination of political opponents, extortion, and manipulation of communal tensions. The LTTE continues to act, as it did prior to signing the ceasefire agreement in 2002 and the Action Plan for Children Affected by War in 2003, like a military organization with a primary focus of guaranteeing external and internal security in the context of protracted warfare. It has, under increasing international pressure and as an attempt to project itself as a legitimate state actor, used its political wing to make international commitments, but has deliberately disregarded these pledges on the ground. The LTTE's continued recruitment of children is to some extent reflective of the group's inability to transform itself from an armed guerrilla group into a more just and democratic entity.

There is consensus among stakeholders – the co-chairs of Sri Lanka's peace process,<sup>74</sup> including Norway in its role as facilitator – that human rights issues should not be tied to the wider discourse on the peace process, and that a separate human rights framework needs to be set up irrespective of how the peace talks proceed. However, an absence of trust on all sides has held up any substantial progress. From the standpoint of the LTTE, many developments, in particular the worsening conditions for peace since the 2002 ceasefire agreement have been beyond their control, such as the series of events starting with months of political instability which eventually led to a snap election in April 2004, followed by the devastation of the December 2004 tsunami and its aftermath.

Faction-fighting emanating from the March 2004 split within the LTTE and allegations of Sri Lankan military support to the Karuna faction and other Tamil paramilitaries clouded the atmosphere further. The political and human rights situation in the north and east of Sri Lanka has deteriorated considerably since the November 2005 Presidential elections, and the four-year-old peace process has suffered a serious setback.

For the military LTTE, continuing recruitment of child soldiers has been a strategic ploy to make up for lost numbers resulting from both the March 2004 split and the December 2004 tsunami. The LTTE has routinely used children as frontline soldiers in armed combat in the past and tactically, given the lack of political consensus for peace within the Sri Lankan state, is preparing itself for a fresh outbreak of hostilities. Any change in this outlook is contingent both on the resolution of the current security situation as well as a willingness within the LTTE to accept political pluralism, human rights and democracy.

### ***Demobilization, Disarmament and Reintegration (DDR)***

In 2003, under the Action Plan, UNICEF initiated the first official mechanism to support the release and reintegration of under-age recruits, through the release of children to transit centres for a maximum stay of three months, and then return to their families. Release and reintegration of under-age recruits including transit centres is managed by UNICEF, TRO and Save the Children in Sri Lanka (SCiSL). All children released by the LTTE were to be followed up by a SCiSL social worker

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<sup>74</sup> The co-chairs are Japan, Norway, the USA and the EU, so called because they co-chaired the conference on "Reconstruction and Development of Sri Lanka" held in Tokyo in June 2003.

with the major reintegration activities occurring when the children were back in the community. The first transit centre was opened on 3 October 2003 in Killinochchi. It received a total of 172 children in its first year of operation. Although the centre has the capacity for one hundred children, it has never held more than 49, and for a six-week period in mid-2004, was completely empty. Two other transit centres were constructed in Batticaloa and Trincomalee, but never opened because of the low number of children released.<sup>75</sup>

UNICEF's success in securing the first signed human rights agreement between the Sri Lankan government and the LTTE in the shape of the 2003 Action Plan has been dogged by controversy and thwarted by the continued intransigence of the LTTE. Moreover, some observers and local NGOs have questioned the wisdom of allowing TRO, because of its links to the LTTE, to protect and rehabilitate former child soldiers.<sup>76</sup> The LTTE has failed to meet commitments made in the Action Plan, both in terms of recruitment of under-age children and in ensuring DDR of existing recruits.

### **Changes in recruitment policy**

Monitoring of child recruitment by the LTTE began just prior to the signing of the Cease Fire Agreement (CFA) in January 2002, and became more systematic after the Action Plan was signed in 2003. Information prior to 2002 is limited and offers no concrete indications of recruitment patterns. While UNICEF has information on at least 1,288 child conscriptions which occurred during 2001 and before, there are no specific pointers to show that conscription rose during the Eelam wars or declined when peace efforts started.<sup>77</sup>

The dynamics of recruitment, however, changed rapidly since the Karuna split within the LTTE in March-April 2004. Among the reasons Karuna publicly declared as being behind the split were firstly, his opposition to LTTE-Vanni's policies of recruiting child soldiers and secondly, the pressure on him to extort money from locals in the east. Ironically, an analysis of recruitment patterns recorded by UNICEF shows that the highest number of child soldiers, numbering 2,428, were recruited from the eastern Batticaloa district. The level of child conscription peaked to 1,465 during 2002 – while Karuna was in charge – and showed a steady decline since, falling to 570 recruitments in 2005.<sup>78</sup>

Most of the recruitments carried out after the split till the period leading up to the December 2004 tsunami were allegedly carried out by the LTTE-Vanni, though the involvement of the Karuna faction in some cases cannot be ruled out. While there has been no evidence to show that Karuna has continued to recruit child soldiers since the split, local NGOs say that parents who have complained since the split do not categorically blame the LTTE as they did in the past.<sup>79</sup> This may be due to the

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<sup>75</sup> Human Rights Watch, *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*, November 2004.

<sup>76</sup> Human Rights Watch, *Living in Fear*, op. cit.

<sup>77</sup> Confidential source, Colombo, February 2006.

<sup>78</sup> Analysis on the basis of UNICEF statistics.

<sup>79</sup> Coalition interviews in Batticaloa, 23 February – 1 March 2006.

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pervasive climate of fear in which parents are scared of naming the LTTE directly, or due to confusion caused by various paramilitaries and other groups who are known to be engaging in human rights violations under the name of the LTTE.

The most obvious drop in recruitment occurred in the aftermath of the tsunami when the LTTE was occupied in relief operations and, perhaps, taking stock of its own losses. But this was belied by a spurt in recruitment during temple festivals in June 2005. Since the signing of the CFA, however, the LTTE has been reported to be more sensitive to releasing and abstaining from recruiting under-15s. Despite continuing recruitment, in the period after the ceasefire, the LTTE also seemed to appear a bit more responsive to mothers who approached them to inquire about their children, and in some cases, where there was sufficient pressure, released them.<sup>80</sup> But even during its more approachable phases, it has shown greater reluctance to release older children and especially those who have been given specialized training, for example, the Sea Tigers. Trained children who try to escape are also subjected to harsh punishments.<sup>81</sup>

Child conscription by the LTTE follows a cyclical pattern dependent on its own internal recruitment cycles which coincide with temple festivals and school holidays – when access to children is easier – or on domestic political and military imperatives. There are no clear pointers to show that recruitment of children has diminished because of international monitoring or pressure. For instance, in the aftermath of the November 2005 Presidential elections, recruitment figures gathered by UNICEF, the SLMM and the ICRC all showed a drop, but this is unlikely to have been reflective of reality (see above). Anecdotal evidence suggests that the LTTE has been hiring members of village communities to identify and recruit children from villages so as to avoid being implicated and is now carrying on its recruitment activities in a much more targeted and organized fashion. There have been no changes in recruitment patterns by gender.

***Internal factors contributing to the changes***

Since 2002, in the context of the peace process, there appears to have been a partial shift within the LTTE from military to political means of operating. The position of the political wing appears to have become more prominent within the LTTE and a comprehensive state apparatus is emerging in LTTE-controlled areas. However, the ostensibly growing presence of the political wing has not had any visible impact on child recruitment patterns within the LTTE. What has perhaps emerged more clearly is a more sophisticated response of denials and justifications for child recruitment. Since the start of peace talks, the LTTE have been focused on arriving at a political solution while keeping their military options safeguarded – and child conscription is a strategic ploy to increase their ranks through pliable recruits.

Any change in the LTTE's position towards child recruitment is therefore, unlikely, to come through any internal drivers to democratize or improve human rights as part of its state building mechanism, but through an overall improvement in the security climate and normality in the lives of people which will build community resistance to recruitment. Since the November 2005 elections, deterioration in the

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<sup>80</sup> Coalition interviews, Batticaloa and Ampara, 3 – 13 April 2005.

<sup>81</sup> Coalition interviews, Batticaloa and Ampara, 3 – 13 April 2005.

law and order situation and overall climate of fear has severely limited the negotiating capacity of community and religious leaders. There is a greater reluctance on the part of international and local NGOs to monitor the issue of child conscription on the ground.<sup>82</sup>

### **External factors**

External factors (including inducements, sanctions, proscription, application of international norms and critical constructive engagement) have also so far had limited success. The UN Secretary-General's report to the Security Council in February 2005,<sup>83</sup> which proposed a monitoring mechanism to ensure compliance with international law by 42 named groups, including the LTTE, which recruit and use child soldiers, and the European Union (EU) travel ban imposed on the LTTE on 26 September 2005 (see below) may have had a temporary impact on recruitment. Trends monitored by UNICEF show that monthly recruitment figures came down to 32 and 25 in February and March 2005, in the period immediately following the UN Secretary-General's report. However, recruitment levels soared to 155 in July. There was a drop in recruitments in the period immediately after the EU travel ban – 45 children were recruited in October and 28 in November 2005 – but this was due to a fall in complaints to UNICEF and other agencies and not indicative of a fall in recruitment.<sup>84</sup>

### **Significant initiatives by the international community and others**

UNICEF played a principal role in negotiating the 2003 Action Plan and serves as the primary implementing partner for the plan's ambitious program of activities. The agreement put in place a mechanism to support the release and reintegration of under-age recruits, through the release of children to transit centres and then back to their families. As part of its advocacy, UNICEF continually engaged in high-level meetings with the political wing of the LTTE, and its office in Sri Lanka has become increasingly outspoken on the child soldier issue, issuing several public statements calling on the LTTE to end its recruitment of children and release the children in its ranks.

All the above measures which involved dialogue, engagement and pressure tactics on different levels have had variable success. The Action Plan was conceived as a holistic program to address the overall needs of 50,000 children affected by war in the north and east and, while it was the first concrete engagement of the LTTE on the issue of child recruitment, it had mixed results. On the one hand, the agreement secured the formal release of more than 1,400 child soldiers to UNICEF and many other child recruits were released directly to parents or to the LTTE's North Eastern Secretariat on Human Rights (NESOHR). Also, the expansion of UNICEF presence in the north and east and easy access to protection staff, coupled with increased awareness of the Action Plan, encouraged some parents to come forward to report their missing children and helped improve monitoring mechanisms.

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<sup>82</sup> Coalition interviews in Batticaloa, 23 February – 1 March 2006.

<sup>83</sup> Report of the UN Secretary-General on children and armed conflict, UN Doc. A/59/695-S/2005/72, 9 February 2005, <http://www.un.org/documents/repsc.htm>.

<sup>84</sup> Coalition interviews in Batticaloa, 23 February – 1 March 2006.

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But an absence of an investigative approach in UNICEF's monitoring mechanism has made the organization, largely, if not wholly, dependent on parental and community complaints for information. Any change in the domestic political situation by way of increased violence, heightening insecurity or a failure in peace talks directly impacts the number of complaints made to UNICEF, thereby undermining the effectiveness of the mechanism.

Similarly, there has been widespread concern that the LTTE's failure to fulfil its obligations regarding the recruitment and release of children severely undermines the Action Plan's stated goals. The lack of substantial progress in achieving these goals over three years after the LTTE's formal agreement of the plan has undermined community confidence in the plan's strategy and raised legitimate questions regarding UNICEF's ongoing approach towards the LTTE. For instance, in 2004 Human Rights Watch stated that UNICEF's continued participation in the child soldiers component of the plan was "untenable and undeservedly legitimizes current LTTE policy towards children".<sup>85</sup>

Equally controversial was UNICEF's decision to involve TRO as an implementing partner in the Action Plan. TRO is controlled largely by the LTTE, and its credibility is riddled with allegations about its political motives. On a practical level, the relationship between the LTTE and UNICEF has deteriorated since the December 2004 tsunami. Meetings between UNICEF, government agencies and the LTTE on the issue of child recruitment and demobilization of existing cadre have not been held since October 2005. The initial time frame for the Action Plan has now expired, and the government and LTTE have both agreed to an independent assessment of the Plan before engaging in discussions about entering into a renewed or revised plan.

The UN and the EU and other governments have periodically brought pressure on the LTTE. The LTTE is included on the US State Department list of 42 foreign terrorist organizations, prohibiting anyone in the USA from providing it with support or resources, prohibiting the entry to the USA of its representatives and members, and providing for seizure of its funds.<sup>86</sup> It is also on the UN Security Council's list of parties that recruit and use children.<sup>87</sup> In September 2005, following the killing of the Sri Lankan foreign minister, the EU imposed a travel ban on the LTTE, banning it from visiting member states, condemning what it called "the continuing use of violence and terrorism" by the LTTE.<sup>88</sup> On 8 April 2006 the Canadian government added the LTTE to its listing of 38 terrorist groups, making it illegal for any person to provide financial or other support to the LTTE or facilitate or participate in its activities.<sup>89</sup> At the end of May 2006 the EU added the LTTE to its list

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<sup>85</sup> Human Rights Watch, *Living in Fear*, op. cit.

<sup>86</sup> US State Department Office of Counterterrorism, "Foreign Terrorist Organizations (FTOs)", 11 October 2005, accessed 1 June 2006, <http://www.state.gov/s/ct/rls/fs/37191.htm>.

<sup>87</sup> Report of the UN Secretary-General on children and armed conflict, 9 February 2005, op. cit., Annex II. (See also section 1.1 of the Background Document for the Forum.)

<sup>88</sup> "EU bans Tamil Tigers over murder", BBC News, 27 September 2005, [http://news.bbc.co.uk/1/hi/world/south\\_asia/4287608.stm](http://news.bbc.co.uk/1/hi/world/south_asia/4287608.stm).

<sup>89</sup> Public Safety and Emergency Preparedness Canada (PSEPC), "Canada's new government lists the LTTE as a terrorist organization", 10 April 2006, <http://www.psepc-sppcc.gc.ca/media/nr/2006/nr20060410-en.asp>.

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of designated groups for the application of specific measures to combat terrorism, entailing restrictive measures such as freezing of funds and other assets and police and judicial cooperation by EU Member States.<sup>90</sup> In announcing this step, the EU stated that the upsurge in violence was not caused by the LTTE alone. It stated that the EU viewed the activities of the Karuna Group in the gravest possible light, and was concerned at the growing number of extrajudicial killings contributing to the increased instability in Sri Lanka and further endangering the peace process. It called on the Sri Lankan authorities to curb violence in government controlled areas and put a stop to the culture of impunity.

There remains a deep-seated belief within the LTTE that the international community will not, for the sake of peace talks, put into practice any of its threats of punitive action. The LTTE greeted the temporary EU travel ban with angry threats of walking out of peace talks and warned that such moves could jeopardize the peace process.<sup>91</sup> There also exists within the LTTE a belief that the issue of child recruitment is a political bargaining point being used by the international community to bring pressure on the group to settle with the Sri Lankan state. There is also genuine concern among the Tamils in the north and east, which to a large extent is manipulated and vocalized by the LTTE, that the government does not have the will or ability to enact real change that addresses the root cause of the conflict because of impediments inherent within the state structure and competing vested political, regional, financial and religious interests. This is matched by a fear among the southern polity that the LTTE will not give up arms until they have achieved a separate homeland comprising almost one-third of the island. This lack of trust has been reinforced by the failure of both sides to implement agreements despite the declared and apparent shared interest to do so.

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<sup>90</sup> "Declaration by the Presidency on behalf of the European Union concerning listing of the LTTE as a terrorist organisation", EU press release 31 May 2006, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/cfsp/89790.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/89790.pdf).

<sup>91</sup> "We don't believe that the European Union will be naive (enough) to marginalize the LTTE, and thereby the Tamil people, because when they are removed from the equation, the peace process will collapse", Tamilchelvan told AFP on 26 September 2005.

**Further points for discussion**

- If the peace process breaks down, children will be among the most affected group. What can be done to exert effective pressure on the LTTE to apply in practice their expressed commitments to stop recruiting and using children?
- Excesses by the Sri Lankan Army and factions supported by it will only serve to strengthen ground-level solidarity for the LTTE. How can this vicious circle be broken?
- Advocacy or service delivery? Most international NGOs and NGOs engaged with child rights issues at the grassroots have shied away from taking on the LTTE on the issue of child conscription, fearing non-cooperation on delivery of services essential to their core mandate and safety of their staff. What mechanisms can be put in place, by way of agreements with the LTTE, to ensure that essential services for children are not disrupted and staff protected?
- Despite UNICEF's field presence, monitoring of child recruitment continues to remain sketchy, dependent on parental complaints, and on most occasions, is not reflective of ground reality. How can monitoring mechanisms be strengthened?
- Child protection needs to be embedded in a larger human rights monitoring framework in the Sri Lankan context. What steps can be taken to build pressure on both the Sri Lankan state and the LTTE to agree to such a framework irrespective of any progress in the peace process?