

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

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1. REPORT DATE (DD-MM-YYYY) 05/10/2017	2. REPORT TYPE Master's Thesis	3. DATES COVERED (From - To) SEP 2016 - MAY 2017
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4. TITLE AND SUBTITLE MORAL CONSIDERATIONS WHEN FIGHTING A WAR OF ANNIHILATION: A CASE STUDY OF THE SRI LANKAN CIVIL WAR	5a. CONTRACT NUMBER N/A
	5b. GRANT NUMBER N/A
	5c. PROGRAM ELEMENT NUMBER N/A

6. AUTHOR(S) Leider, David W., FP-03, U.S. Department of State	5d. PROJECT NUMBER N/A
	5e. TASK NUMBER N/A
	5f. WORK UNIT NUMBER N/A

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) USMC Command and Staff College Marine Corps University 2076 South Street Quantico, VA 22134-5068	8. PERFORMING ORGANIZATION REPORT NUMBER N/A
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9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S) N/A

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release, distribution unlimited.

13. SUPPLEMENTARY NOTES

14. ABSTRACT
This paper examines the moral considerations the president of Sri Lanka may have pondered in his decision to end peace negotiations with the Liberation Tigers of Tamil Eelam (LTTE) and instead begin a military campaign to annihilate the LTTE. With neither side willing to give in to the other's demands, after 23 year of civil war, the president's pursuit of a decisive victory through a war of annihilation could be more humane than prolonging the war indefinitely. A war of annihilation may be justified using ethical calculus to evaluate the benefits of ending a protracted civil.

15. SUBJECT TERMS
Sri Lanka; Civil War; Terrorism; Ethics; War of Annihilation; Liberation Tigers of Tamil Eelam, LTTE

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			USMC Command and Staff College
Unclass	Unclass	Unclass	UU	41	19b. TELEPHONE NUMBER (Include area code) (703) 784-3330 (Admin Office)

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Command and Staff College
Marine Corps University
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MASTER OF MILITARY STUDIES

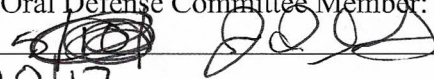
**TITLE: Moral Considerations When Fighting a War of Annihilation:
A Case Study of the Sri Lankan Civil War**

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES.

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Executive Summary

Title: Moral Considerations When Fighting a War of Annihilation: A Case Study of the Sri Lankan Civil War

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Thesis: In a protracted civil war, when peace appears insurmountable, pursuing a decisive victory through a war of annihilation that is based on ethical calculus can be more humane than prolonging the war indefinitely.

Discussion: The Sri Lankan Civil War, from July 1983 to May 2009, was an ethnic conflict between the Tamils and the Sinhalese majority. The Tamils are divided into two sub-groups, the Sri Lankan Tamils and the Indian Tamils. The Sri Lankan Tamils have lived in Sri Lanka for over 1,000 years and the Indian Tamils have lived in Sri Lanka since the late 19th century when they were brought over from India by the British. Prior to Sri Lankan Independence in 1949, the Tamils held a disproportionate percentage of positions within the civil service and other professions because of their English-speaking abilities. After independence, the Sri Lankan Constitution was created and called for Sri Lanka to be a unitary, Buddhist state, which centralized political power within the capital and the Sinhalese majority. As a multi-ethnic country, a constitution based on federalism would have been better suited for Sri Lanka, but the Sinhalese feared that their language, culture, and Buddhist religion were in jeopardy of extinction despite being the largest ethnic group. The Sinhalese began to enact employment, education, citizenship, and language legislation that discriminated against the Tamils and favored the Sinhalese. The Government of Sri Lanka's (GoSL) institutionalized discrimination of Tamils made them second-class citizens and at times lead to Sinhalese violence against the Tamils. Tamil separatist groups became increasingly militant, including the Liberation Tigers of Tamil Eelam (LTTE), who were responsible for the attack on July 23, 1983 that killed 13 Sri Lankan soldiers that is considered to be the start of the civil war. The LTTE fought for an independent Tamil state in Sri Lanka, but the Sinhalese majority was adamantly opposed to this because the Sri Lankan Constitution stated that the island nation must remain a unitary state. The LTTE began as a guerilla organization, but over the course of the war utilized terrorism and developed conventional military capabilities. The GoSL and the LTTE held negotiations throughout the civil war in an attempt to reach a peaceful agreement, but neither side was willing to give into the other's demands. In 2006, President Mahinda Rajapaksa ended the peace process and ordered the Sri Lankan military to begin a campaign to destroy the LTTE, which led to the LTTE's defeat in May 2009. This case study focuses on the moral considerations President Rajapaksa may have faced in his decision to end the status quo and destroy the LTTE, considered to be one of the world's most ruthless military organizations that would likely resort to any and all means to fight for its survival.

Conclusion: A war of annihilation may be justified using an ethical calculus to evaluate the benefits of ending a protracted civil war.

DISCLAIMER

THE OPINIONS AND CONCLUSIONS EXPRESSED HEREIN ARE THOSE OF THE INDIVIDUAL STUDENT AUTHOR AND DO NOT NECESSARILY REPRESENT THE VIEWS OF EITHER THE MARINE CORPS COMMAND AND STAFF COLLEGE OR ANY OTHER GOVERNMENTAL AGENCY. REFERENCES TO THIS STUDY SHOULD INCLUDE THE FOREGOING STATEMENT.

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Preface

My interest in the Sri Lankan Civil War arose from my two visits to Sri Lanka. I first visited Sri Lanka in March 2007 and knew that there was a civil war but was not familiar with the details. On my second visit in February 2016 after the civil war, there were no longer Sri Lankan naval patrol boats along the coast, guard towers along the beach, and bunkers along the city streets manned by heavily armed Sri Lankan military personnel. Major city streets were no longer frequently shut down by the military prior to the transportation of high-level government officials. I wondered what caused such a drastic change in the daily routine of Colombo.

While doing research for this paper, I became interested in learning more about the decision-making process that ended the civil war. Specifically, why did the President decide that defeating the Liberation Tigers of Tamil Eelam (LTTE) was preferable to seeking a peaceful end to the war through negotiation? My research helped me better understand the complexities of the ethnic strife that can lead to and prolong civil war. When a civil war reaches a stalemate, what is a president's best course of action - continuing with the status quo or changing course to decisively win the war? I believe that the leaders of nations have a moral responsibility to create peace and prosperity for their citizens. When peace and prosperity are jeopardized, leaders need to have the moral courage to make timely decisions to protect the well-being of their citizens.

I would like to thank my advisor, Dr. Jill Goldenziel, for her scholarly and insightful advice and guidance, but most of all, for her patience with my frequent inability to meet deadlines. I am also grateful for the guidance and direction I received from my military faculty advisor, LtCol Steven Wallace. Completing this research paper would not have been possible without Dr. Goldenziel and LtCol Wallace's direction, and for that, I am forever grateful.

Introduction

Since 1945, civil wars have been the most prevalent form of conflict. From 1945-1999, there were 127 civil wars with a median duration of about six years that caused an estimated 16.2 million deaths. During this same timeframe, 25 interstate wars caused an estimated 3.33 million battle deaths.¹ Civil wars can become protracted when both belligerents take extreme positions that rule out compromise. When a peaceful end to a protracted war is elusive but one side has the political will and the military means to end it, should they pursue peace through a war of annihilation (WOA)? To decisively end a protracted war to bring about peace, can aspects of International Humanitarian Law (IHL) be set aside if the decision to end the war is based on ethical grounds?

This paper argues that in a protracted civil war pursuing a decisive victory through a WOA that is based on ethical calculus can be more humane than prolonging the war indefinitely. As a case study, the paper will employ the Sri Lankan president's decision to end the Sri Lankan Civil War (SLCW) war through a WOA, rather than continue to pursue peace negotiations. The SLCW was chosen as a case study because of its protracted nature and the turmoil it brought to a small island nation.

Although a WOA may be more humane and beneficial to a country and its citizens in the long-term, in the short-term, a WOA will likely be violent and may cause significant destruction and unnecessary civilian casualties, which is morally repugnant. A WOA may be the best course of action in the long-term in some situations, but the potential for devastation and human carnage should not be taken lightly.

This paper will begin by discussing the ethical calculus methodology, provide a synopsis of the situation, give an overview of ethnic tensions before the SLCW, and the rise of the

Liberation Tigers of Tamil Eelam (LTTE). It will then offer background and analysis of the SLCW, an analysis of the moral considerations to end the SLCW, followed by the conclusion.

Ethical Calculus Methodology

This case study will use Rushworth Kidder's Four Paradigms² and the Moral Theories of Consequentialism, Utilitarianism, and Deontology to evaluate the conditions under which a war of annihilation might be justified. The intent of a war of annihilation is to render the enemy helpless by physically destroying its warfighting capabilities so that it no longer has the means to resist.³ Next will be a discussion on when a WOA may be justified based on the previously mentioned paradigms and Moral Theories.

Kidder's Four Paradigms

Kidder's Four Paradigms offer a way to evaluate moral decisions based on the virtues of truth, loyalty, justice, and mercy; the impact of short-term and long-term time frames; and the impact of an action based on the individual and the community. Kidder's paradigms are based on right-versus-right choices, which he defines as, "[choices that] reach inward to our most profound and central values, setting one against the other in ways that will never be resolved simply by pretending that one is "wrong"."⁴ The Four Paradigms are Truth versus Loyalty, Justice versus Mercy, Individual versus the Community, and Short-term versus Long-term.

The "Truth versus Loyalty" paradigm would weigh Truth - facts, objective reality, honesty, or integrity versus Loyalty – commitment, allegiance, patriotism, or responsibility to determine the conditions which would justify a WOA. The "Justice versus Mercy" paradigm would weigh Justice – fairness, impartiality, equity, or neutrality versus Mercy – compassion, empathy, or leniency to determine the conditions which would justify a WOA. The "Individual versus the Community" paradigm would consider situations that involve "us versus them", "self

versus others,” or “the smaller group versus the larger group” to evaluate whether a WOA can be justified. The “Short-term versus Long-term” paradigm would consider “now versus then” issues that consider immediate needs versus future goals or expectations to determine the conditions that would justify a WOA.

Consequentialism, Utilitarianism, and Deontology

Consequentialism proposes the theory that morality is all about producing the right kinds of overall consequences.⁵ Here the phrase “overall consequences” of an action means everything the action brings about, including the action itself.⁶ To justify a WOA, Consequentialism would consider the various methods or tactics that would be employed to conduct a WOA and consider what the overall ramifications of that action would be to determine the morality of that action. Utilitarianism proposes the theory that morality should be based on the utility of an action. More specifically, an action is moral if its outcome creates the greatest good for the greatest number of people. In this situation, the moral justification for a WOA would be based on the assumption that although there may be high casualty rates, a WOA would be of short duration, thus ending the war more quickly to the benefit of all of the citizens that survive. And finally, Deontology proposes the theory that moral actions should be taken based on a clear and unswerving set of rules that define right and wrong. Even if an action only benefits the few rather than the many, the only moral course of action is to follow the strictly defined rules. To justify a WOA, a Deontological based approach would refer to laws or regulations such as IHL or the constitution of a nation to determine if a WOA is moral.

Kidder’s Four Paradigms and the Moral Theories of Consequentialism, Utilitarianism, and Deontology will be used later to evaluate how the Sri Lankan president may have reached a decision on how to end the civil war – through the peace process or by escalating it to a WOA.

Synopsis of the Sri Lankan Civil War

During a civil war, a leader of a sovereign state has a responsibility to his citizens, independent of which side they are on, and humanity to conduct the war in a just manner that respects and abides by IHL. The leader should consider all avenues for a peaceful resolution to bring an end to the conflict in a timely manner. But often, the state and its opponent are unwilling or unable to reach a compromise agreeable to both parties. In such situations, each side may be willing to escalate the conflict to the detriment of the human rights of civilians and soldiers alike. When this occurs, war can turn into a seemingly never ending contest of one-upmanship as one side goes to great lengths to defeat the other. Ultimately, the side with the greatest resolve will end the conflict through either a war of annihilation or a war of attrition. The actions of decisive leaders benefit their citizens by bringing an end to a conflict, but these same actions have the potential to cause tremendous suffering for their citizens on both sides.

The Government of Sri Lanka (GoSL) was led by an ethnic majority that marginalized a minority ethnic group that prior to independence held a disproportionate amount of power. After independence, the ethnic majority enacted legislation that economically and educationally discriminated against the other group. This led to the formation of militant groups that sought an independent state, which conflicted with Sri Lanka's Constitution. Rather than address the minority's grievances through legislation or other means, the majority continued its untenable discriminatory practices which led to the outbreak of the civil war.

Over the course of 26 years, the civil war saw a small rebel group transform itself into a well-trained, well-equipped, and well-funded conventional fighting force whose tactics became increasingly violent and destructive. The group regularly violated IHL by forcibly recruiting child soldiers, using civilians as human shields, targeting civilians through terrorism, using suicide

bombers, and assassinating government officials, politicians, military officials, and the police. What was once a small militant group had now morphed into a military force capable of terrorizing a whole country. While the GoSL was culpable in creating the conditions that led to the Tamils' grievances, should it be expected to make far-reaching concessions that are antithetical to its Constitution? If the GoSL would not concede to their opponent's demands, was it unreasonable for the GoSL to escalate the conflict to a WOA to end the civil war quickly and decisively rather than continue a prolonged war of attrition? Would the GoSL be justified in waging a WOA to defeat the opponent that routinely violates IHL? Next will be a discussion on the ethnic tensions that led to the SLCW.

Ethnic Tensions Leading to Sri Lankan Civil War

Sri Lanka is a multi-ethnic island nation about the size of West Virginia located in the Indian Ocean off the southern tip of India (see Appendix 1, map of Sri Lanka). The country's population of 14.85 million⁷, based on 1981 census data, was 73.9% Sinhalese, 18.2% Tamil, and 7.1% Moor (see Appendix 2, ethnicity map of Sri Lanka).⁸ The GoSL makes a distinction between two sub-groups of Tamils – Sri Lankan Tamils and Indian Tamils. Sri Lankan Tamils are descendants of the original Tamils that lived on the island for a thousand years.⁹ Indian Tamils were brought from India by the British in the late 19th to early 20th century to work on the tea plantations.¹⁰

Ethnic tensions between the Sinhalese and Tamils can be traced back to British Colonial Rule. The Tamil minority held a disproportionate percentage of positions in the civil service and the professions because of their English language skills.¹¹ The Sinhalese feared that their language, culture, and Buddhist religion were in jeopardy of extinction despite being the largest ethnic group.¹² Their fear was the start of a nationalistic movement to preserve Sinhalese culture

to the detriment of Tamil culture. Though the Sinhalese are the dominant population on the island, many observers have called them a “majority with a minority complex” because of their regional and global minority status.¹³

After gaining independence, the GoSL retracted the Sri Lankan citizenship and the right to vote for some Tamils. English was dropped as the official language and a proposal to make both Sinhalese and Tamil the official languages was struck down. Instead, parliament enacted the Sinhala Only Act of 1956 making Sinhalese the only official language of Sri Lanka.¹⁴ With this legislation, the Tamils no longer wielded power and influence. The discriminatory legislation led to Tamil demands for an independent Tamil state.

The Rise of the Liberation Tigers of Tamil Eelam (LTTE)

The SLCW between the GoSL and the LTTE (aka the Tamil Tigers) began in July 1983 and ended with the LTTE’s defeat in May 2009. The LTTE, led by its founder Velupillai Prabhakaran (VP), was only one of five Tamil militant groups that were armed at the beginning of the SLCW. He was adamant that the only solution to the Tamil problem was an independent state. The GoSL, composed primarily of the Sinhalese majority, was opposed to an independent Tamil state because the constitution mandated that Sri Lanka, as a unitary state, remain an undivided, Buddhist nation. Unitary states have a strong central government that delegate little, if any, of its power to the provinces or states. This issue would be a polarizing factor between the two parties and the root cause of the protracted war.

VP’s leadership was critical to the escalation of violence during the SLCW. In an August 1987 interview, VP said that as a child he kept a picture on his desk of a famous Indian freedom fighter, and on that desk VP said he wrote, “I will fight till the last drop of my blood to liberate my homeland.”¹⁵ Michael Radu described VP and the LTTE as a, “quasi-cult terror

group, subservient to the whims of one person, Prabhakaran. His decisions, rather than any nationalistic goal, send people to their death, train them for death, preferably from childhood, and have long murdered any moderate or nonviolent Tamil politician in the country.” According to Neil DeVotta, the LTTE,” ... quashed all dissent, conscripted children forcibly, assassinated opponents, murdered numerous innocent civilians, and taxed and extorted – all of which guaranteed it eventual pariah status among the international community and even many Tamils.”

In the early phases of the SLCW, the LTTE had a large recruiting base of embittered Tamils to fill their ranks. But as the war continued and LTTE losses grew, they resorted to forcible recruitment, frequently resorting to the conscription of child soldiers, some as young as 12 years old,¹⁶ to increase the LTTE’s war fighting capabilities in violation of IHL. The LTTE purportedly represented the will of all Tamils, but Peter Layton states that, “it was believed that only some 300,000 [Tamils] actively supported the LTTE.”¹⁷ This equates to about 11 per cent of the 2.67 million Tamils supporting the LTTE’s cause. The apparent lack of LTTE support by almost 90 per cent of the Tamils would lead to a dilemma for the GoSL during peace negotiations and their eventual change in strategy to a WOA. Should the GoSL give in to the demands of the LTTE when it only represents about 1.3 per cent of the country’s population? Although they were a small portion of the population, the LTTE were a determined and violent enemy that could wreak havoc and whether they had wide-spread support was less an issue than their means to sow death and destruction.

Over the course of the SLCW, the LTTE developed a rebel force that included an air force, navy, army, and suicide squads. They received funding from the Tamil diaspora movement amounting to \$24 - \$36 million each year,¹⁸ and was used to create legitimate businesses and also support criminal networks.¹⁹ Estimates of the LTTE’s annual income from

all sources ranged from \$82 million to as high as \$385 million.²⁰ Without the support of the Tamil diaspora, the LTTE would not have had the military capabilities to continue the SLCW.

One can sympathize with the diaspora's desire to support its Tamil brothers, but the LTTE's move toward extreme violence and terrorism detracted from their legitimate grievances. Although the LTTE was designated as a terrorist organization and monetary supporters of the LTTE could be prosecuted, it was a creative organization that could find ways around terrorist legislation meant to curb their funding. The LTTE's funding and military build up to establish a conventional military force led to another factor that the GoSL had to contemplate prior to pursuing a WOA. With its growing military might from Tamil diaspora fund raising, would the LTTE ever willingly settle for anything less than an independent state? A well-funded, well-armed, and recalcitrant LTTE would likely continue its fight at all costs, which would justify the GoSL resorting to a WOA.

Background and Analysis of the Sri Lankan Civil War

This section will focus on an analysis of the significant events or conditions during the SLCW that may have led the president of Sri Lanka to consider escalating the SLCW to a WOA. The SLCW has been traditionally broken down into four phases of high intensity combat named Eelam Wars I, II, III, and IV. These wars were interrupted by periodic efforts to find a negotiated solution, all of which failed until the GoSL's military victory in May 2009.²¹

Eelam War I (EWI), July 1983-July 1987

The spark that began the SLCW was an LTTE attack on an army patrol that killed 13 soldiers on July 23, 1983.²² These killings quickly incited the Sinhalese to partake in anti-Tamil riots, first in the capital of Colombo and then spreading throughout the country. The three-days of riots caused an estimated death toll of 3,000 Tamils and left about 150,000 Tamils homeless.²³

After the riots, some Tamils fled to their towns or villages in the north-east, while other Tamils fled the island to seek refuge in India and other Western countries, which created a Tamil diaspora that would be instrumental in providing support for the LTTE.²⁴

In August 1983, the Indian government began its involvement in the SLCW.²⁵ Prime Minister Indira Gandhi's government and the state government of Tamil Nadu, India provided military assistance and training to Sri Lankan Tamil rebel groups.²⁶ India's support of the LTTE and other Tamil rebel groups was a reason to consider a WOA. Using the "Short-term versus Long-term" paradigm or Consequentialism, the GoSL could evaluate the short-term and long-term effects that escalating the war may have, such as an increase in Indian military assistance to the Tamil rebel groups or the consequences of waging a WOA and the potential for direct Indian intervention. India had a large population of Tamils, many who supported the LTTE cause, and an escalation of the SLCW would likely cause the Indian government to appease them by increasing its support. However, the LTTE began to clandestinely build its own arms network, realizing that India's motives were based on self-interest and not the interests of the Sri Lankan Tamils.²⁷

The LTTE lacked the military capability in EWI to directly take on GoSL forces. Although the LTTE had not yet transformed into a conventional military force, its guerilla and terrorist tactics were destructive, deadly, and frequent. According to the GoSL, the LTTE conducted 24 major terrorist attacks on civilian targets.²⁸ The deadliest attack killed 120 people at a Buddhist shrine in May 1985, while other attacks targeted Colombo's international airport, public transportation systems, commercial centers, and government offices.²⁹ LTTE terrorist attacks in densely packed public areas, and targeting high-value targets such as airports and government buildings provided grounds to consider a WOA to end the violence. Evaluating the

decision to wage a WOA using Utilitarianism would offer a method for the GoSL to determine how many people would benefit from ending the SLCW through a WOA.

President J.R. Jayawardene first attempted to negotiate a peaceful settlement in 1985. The president's attempt at peace negotiations can be viewed through the "Justice versus Mercy" paradigm. The LTTE deserved the opportunity to seek justice for Tamil grievances by negotiating a peaceful solution, but the LTTE and other Tamil groups insisted that before negotiations could begin, the GoSL had to agree to four demands: Tamils are a distinct nationality, the right to a Tamil homeland, the right to self-determination, and the right to full citizenship for all Tamils living in Sri Lanka.³⁰ After the talks failed, the LTTE began a campaign of assassination against the leaders of other Tamil groups.³¹ Tamil fratricide indicated how brutal the LTTE could be. Its regular use of brutality against Tamils and non-Tamils, and its steadfast demands and unwillingness to continue negotiations were factors that would justify a WOA against the LTTE based on compassion for the well-being of Sri Lankan citizens.

Indian Intervention, July 1987-June 1990

In 1984, Prime Minister Rajiv Gandhi suspended support to Tamil rebels to mediate a peaceful solution between the GoSL, the LTTE, and the other remaining Tamil rebel groups.³² India's repeated attempts at mediation were unsuccessful, but India took on a more forceful role in June 1987 after the Sri Lankan Navy blocked Indian ships from delivering food aid to Tamils in the Northern Province. The GoSL felt it was close to defeating the LTTE and the food shipment would only prolong the fighting, but the Indian government sent a cargo plane under fighter escort to airdrop food to the Tamils in LTTE-controlled territory.

In a show of its regional power, in July 1987 India forced the GoSL to sign the Indo-Sri Lankan Agreement (ISLA), which included a CFA and the creation of local councils and the

merging of the Tamil dominated Northern and Eastern Provinces. To enforce the CFA, an Indian Peacekeeping Force (IPKF) was sent to the Northern and Eastern Provinces. The LTTE refused to disarm and fought the IPKF from 1987-1990 and inflicted over 1,100 IPKF casualties causing the Indian government to withdraw its forces from Sri Lanka.³³

From April 1989 to June 1990, President Premadasa and the LTTE began direct negotiations but they were not formalized by any written agreements.³⁴ The only time the GoSL and the LTTE actually worked together was when they had the IPKF as a common enemy. India humiliated the GoSL by violating its earlier embargo and the LTTE was irate at India because it was not included as a signatory to the ISLA. Both the GoSL and the LTTE believed that the SLCW was an internal matter and they were responsible for resolving it internally. In an uncommon show of solidarity, the GoSL reportedly supplied the LTTE with military supplies and equipment to fight the IPKF in the hope that they would leave Sri Lanka.³⁵ With the IPKF's withdraw, the LTTE had technically defeated the world's third-largest army.

The GoSL missed an opportunity to end the SLCW when India intervened. Indian intervention gave the GoSL impetus to implement reforms that would have given the Tamils limited governance in the Northern and Eastern Provinces that they considered their traditional homeland. If the LTTE still insisted on an independent Tamil state, the GoSL would have grounds to escalate the war. The "Short-term versus Long-term" paradigm would weigh the decision to reach a peaceful settlement by offering the LTTE limited self-rule, thus ending the war sooner, or continuing with a long-term strategy to defeat the LTTE to maintain the unitary state. With the LTTE's defeat of the IPKF, the LTTE demonstrated that it was a formidable force that did not have to compromise with the GoSL. The LTTE-GoSL collusion to get the IPKF to withdraw was a factor that prolonged the war and ultimately was not beneficial to either party.

Eelam War II (EWII), June 1990-January 1995

The LTTE attacked a naval base in November 1993 killing 329 soldiers, wounding 561, and 393 went missing.³⁶ The Sea Tigers, the naval arm of the LTTE, destroyed nine GoSL ships and patrol craft and captured four others.³⁷ The LTTE continued to gain strength and had the capability to go head-to-head with GoSL forces. The LTTE conducted 35 major attacks against civilians, including an attack at a mosque in August 1990, killing 147 Muslims.³⁸ The LTTE's attacks were becoming increasingly deadly and destructive and gave the GoSL solid grounds for a WOA.

The Black Tigers, the LTTE's elite unit of suicide bombers, began targeting Sri Lankan soldiers, politicians, and civilians during EWII. The Black Tigers, the world leaders in suicide terrorism, accounted for 75 of 186 suicide terrorist attacks from 1980 to 2001.³⁹ They assassinated Rajiv Gandhi, President Premadasa, and other senior Sri Lankan officials during EWII.⁴⁰ According to Pape, "suicide organizations are better positioned than other terrorists to increase expectations about escalating future costs by deliberately violating norms in the use of violence."⁴¹ Evaluating the Black Tigers' terrorist suicide bombings using an "us versus them" approach could justify a WOA if the goal is to protect Sri Lankan citizens, the "us" against attacks by the Black Tigers, i.e. "them" Civilian terrorist attacks are repugnant, but political assassinations get the attention of those in power, who presumably do not want to be next, so a WOA would no doubt have the backing of those in power.

President Kumaratunga announced the reopening of talks with the LTTE without any preconditions in August 1994.⁴² At the beginning of the 1994-1995 peace talks, a presidential candidate and 53 other people were killed by a suicide bomber.⁴³ Although no one claimed responsibility, the GoSL believed the LTTE was responsible.⁴⁴ The negotiations eventually

reached a stalemate when the LTTE demanded that four conditions be met before further negotiations could begin. The GoSL agreed to consider the demands, but VP was convinced that the GoSL was bargaining in bad faith and withdrew from the peace process.⁴⁵

VP had the luxury of being the sole arbitrator for all LTTE matters. Unlike the Sri Lankan presidents he negotiated with, VP did not have to answer to the parliament or the will of the Sri Lankan people. At one point, he reportedly instructed his cadres to shoot him if he ever reneged on the political goal of an independent Tamil state.⁴⁶ If VP's only resolution was an independent Tamil state and the GoSL was adamant about never giving in to this demand, the GoSL had sufficient justification to move to a WOA to end the conflict, based on the "Individual versus Community" paradigm, or more precisely, based on "us versus them."

Eelam War III, April 1995-February 2002

President Kumaratunga pursued a policy of "war for peace", after the LTTE broke a four-month CFA when suicide bombers sunk two GoSL navy gunboats.⁴⁷ The military began an offensive in December 1995 to take back Jaffna, a LTTE stronghold, with an estimate of 2,500 soldiers and rebels killed in the offensive and 7,000 wounded. The LTTE retreated to the interior of the island and forced approximately 350,000 people to leave with them.

The LTTE's deadliest suicide bomb attack occurred in January 1996 at the Central Bank in Colombo, killing 90 and injuring 1,400.⁴⁸ In January 1998, they set off a truck bomb at the Temple of the Tooth, one of the holiest Buddhist shrines in the world.⁴⁹ After this attack, the GoSL proscribed the LTTE⁵⁰ and pressed other governments to do the same. In December 1999, a LTTE suicide bomber attempted to assassinate President Kumaratunga at a pre-election rally, and although the president lost her right-eye, she was still able to serve a second term. Using either Consequentialism or Utilitarianism as a guide, the death toll from the December 1995

offensive and the displacement of 350,000 people by the LTTE was illustrative of the death and mayhem that the LTTE sowed and high-lighted why the GoSL could justify a WOA against them.

Norwegian Peace Process

In May 1999, President Kumaratunga requested Norway start a dialogue with the LTTE.⁵¹ As a neutral party with no ties to South Asia, Norway was agreeable to the LTTE and the GoSL. The Norwegians helped broker a CFA and facilitated peace negotiations between the two parties. But the Sinhalese majority did not trust them and accused the Norwegians of favoring the LTTE and disparagingly referred to them as “salmon-eating busybodies.”⁵² Furthering the appearance of favoritism, the lead Norwegian diplomat, Eric Solheim, met with President Rajapaksa in late March 2006 where he told the president that VP was a military genius and that it would be suicidal to take him on.⁵³ Since the SLCW began, neither side was willing or able to budge from their hardline stances. From a “Truth versus Loyalty” perspective, the reality is that both sides are at a stalemate, so based on the GoSL’s commitment to end the war, the only apparent option is a military solution through a WOA. According to Edward Luttwak, “Too many wars nowadays become endemic conflicts that never end because the transformative effects of both decisive victory and exhaustion are blocked by outside intervention. An unpleasant truth often overlooked is that although war is a great evil, it does have a great virtue: it can resolve political conflicts and lead to peace.”⁵⁴ The next president would take to heart Luttwak’s quote.

Eelam War IV, July 2006-May 2009

In 2006 President Mahinda Rajapaksa abrogated a 2002 CFA and ordered the Sri Lankan Army to begin a campaign to destroy the LTTE and end the war. In the view of the GoSL, the

LTTE used previous CFAs and peace talks to rebuild its war fighting capabilities to continue their fight. President Rajapaksa believed that the only way to decisively end the SLCW was by the total destruction of the LTTE. According to the Gotabaya Rajapaksa, the Defense Secretary during the EWIV, President Rajapaksa and his government were committed to achieving the objective of winning the war.⁵⁵ He further stated that the president demonstrated his courage to continue the war until the military objectives were completely attained, and this is what made him different from all previous presidents.⁵⁶ The president's actions can be viewed through a Deontological approach based on his duties to protect the sovereignty of Sri Lanka.⁵⁷

With President Rajapaksa committed to defeating the LTTE, the GoSL Army fought with intensity and determination to end the SLCW. As the LTTE suffered defeat after defeat, they resorted to using civilians as human shields as their territory shrunk from 7,000 to 30 square miles of territory surrounded by the Sri Lankan military from land and sea.⁵⁸ During the final phase of the war, GoSL forces were accused of the indiscriminate shelling of civilian targets and executing LTTE forces. President Rajapaksa's resolve to end the war, and the LTTE's frantic attempt to prolong their existence, led to fierce fighting and desperate tactics by both sides.

Analysis of Moral Considerations to End the Sri Lankan Civil War

In the LTTE's fight for an independent Tamil state, it resorted to terrorism, assassination, conscription of children, the murder of innocent civilians, and numerous other violations of IHL. The LTTE demanded the GoSL meet its pre-conditions before it would further discuss a negotiated settlement and often abruptly ended the negotiations before any major points could be addressed. During CFAs, the LTTE continued to rebuild and rearm its military and frequently violated the agreements by attacking military and civilian targets leading the GoSL to assume

that they had no real intention of ever agreeing to a peaceful solution that did not create an independent Tamil state.

President Rajapaksa had to take into account the LTTE's resolve and past tactics to gauge the possible consequences of waging a WOA against the LTTE. The LTTE forces could easily blend in with civilians and use them as human shields if needed. The Black Tigers could step up suicide bombings of civilians and government officials in retaliation for a GoSL offensive. A GoSL campaign to destroy the LTTE could increase Tamil diaspora funding and potentially prolong the campaign. The president had to decide whether a campaign to decisively defeat the LTTE, dramatically increasing the deaths of soldiers and civilians in the short run, was more humane than continuing with a peace process that allowed the LTTE to rebuild and resupply itself to fight another day.

Kidder's Paradigms⁵⁹ can provide useful insight into the moral dilemmas President Rajapaksa may have faced as a member of the Sinhalese-majority in his decision to end the SLCW. These paradigms offer a way to evaluate right versus right decisions to choose the best course of action in a given situation. In this case, right versus right is from the perspective of President Rajapaksa and the Sinhalese. The four paradigms evaluate moral dilemmas based on 1) Truth versus Loyalty, 2) Individual versus Community, 3) Short-term versus Long-term, and 4) Justice versus Mercy.⁶⁰

Truth versus Loyalty: Based on the Constitution, as Sri Lankan citizens, the Tamils had the right not to be discriminated against based on their race, religion, language, political opinion, or place of birth.⁶¹ President Rajapaksa's fundamental Constitutional duties were the "enactment of laws and the governance of Sri Lanka for the establishment of a just and free society."⁶² Continuing with the peace process and offering a legitimate solution to the Tamils'

quest for self-rule would have contributed to a just and free society for the Tamils, however, after 23 years of civil war, it was unlikely that a peaceful solution could be agreed upon by both parties in the foreseeable future. The president's decision to fight a WOA against the LTTE offered Sri Lankans, including the Tamils, a possible end to the conflict, but if the LTTE were defeated, there was no guarantee the Tamils would be treated as equals, but more likely as scapegoats for the protracted war if the Sinhalese did not differentiate between the defeated LTTE and the liberated Tamils.

The President had a constitutional duty to, "safeguard the independence, sovereignty, unity, and territorial integrity of Sri Lanka."⁶³ Choosing to annihilate the LTTE rather than continue with the peace process ensured that Sri Lanka remained a unitary Buddhist state, if the GoSL succeeded. As a member of the majority, one can surmise that his loyalties were with his fellow Sinhalese who would benefit from a decisive end to the SLCW war instead of prolonging the war with a protracted and seemingly never ending peace process.

The Truth versus Loyalty paradigm would not offer President Rajapaksa a valid moral choice to pursue a WOA against the LTTE. The president's loyalty to the Sinhalese people and his duty to safeguard the territorial integrity of Sri Lanka could justify a WOA, but ending the peace process would not necessarily mean that the president and the GoSL could guarantee the Tamils a just and free society.

Individual versus Community: In this scenario, the President had to weigh the human rights of the civilians who may die in a WOA versus all of the citizens of Sri Lanka whose lives would greatly benefit from the war ending. The civilians in LTTE-held areas were at the greatest risk of death because of a GoSL offensive. The ranks of the LTTE were filled by not only soldiers, sailors, airman, and suicide bombers dedicated to the LTTE cause, but were also filled

by forcibly recruited Tamils, often boys and girls as young as 14 years old. Even though many Tamils wanted to flee LTTE held areas, their freedom of movement was often restricted relegating them to the status of LTTE hostages. Tamils who tried to flee LTTE held areas were often killed. Prolonging the war would only prolong the misery, the uncertainty, and the risk of death for Tamils located in LTTE held territory.

Sri Lankans throughout the country would return to a state of relative calm if the GoSL pursued a decisive and final victory over the LTTE. Sri Lankans throughout the country would no longer fear LTTE terrorist attacks. The sooner the war ends, the sooner Sri Lankan citizens could begin to rebuild their lives, reunite with displaced family members, and rebuild the areas damaged by the war. Ending the war would improve the living conditions of Sri Lankans by reinvigorating the economy and foreign trade, reviving the tourism industry, increasing foreign assistance, and decreasing the defense budget.

The Individual versus Community paradigm offered the President a valid moral choice to pursue a WOA against the LTTE. The Community, and the individuals who were not killed, benefited from a decisive final victory over the LTTE. Sri Lankans could finally live in peace after living through over 20 years of war. Tamils living in LTTE held territory would finally be free from the autocratic LTTE regime. Although these Tamil civilians were at the greatest risk of death in a GoSL offensive, those that avoided injury and death benefitted from the war ending.

Short-term versus Long-term: In the Short-term, an escalation to the SLCW would likely lead to an increase in civilian casualties. Intensive and persistent GoSL attacks against LTTE targets would likely be near civilian populations. The LTTE militants and their bases were frequently located within or near civilian communities. Using civilians as human shields was an abhorrent LTTE strategy that could lead to high civilian casualties. To counter this strategy, the

GoSL could not deliberately target civilians but they realized that to effectively attack and destroy the LTTE, civilian casualties could be high.

In the Long-term, a decisive final victory over the LTTE could save more lives than a war of attrition. Tamil Diaspora funding of the LTTE estimated to be from \$24-\$36 million annually allowed the LTTE the means to continue its war against the GoSL indefinitely.⁶⁴ Continued peace negotiations and future CFAs gave the LTTE the opportunity to train new recruits, restock military supplies and weapons, and rebuild its war chest. Without a decisive victory, the LTTE could continue to attack civilians through suicide bombings and attacks by its army, navy, and air force.

The Short-term versus Long-term paradigm offered the President a valid moral choice to pursue a WOA against the LTTE. Although in the Short-term civilian casualties could significantly increase, in the Long-term civilian casualties would cease once the war ended. A decisive victory over the LTTE would end their lucrative funding by the Tamil Diaspora that allowed them to continue to wage war. Although the Short-term effects of a decisive victory could cause more civilian deaths, the Long-term benefits of a defeated LTTE ensured that they no longer had the capability to wage war and could save more lives in the long run.

Justice versus Mercy: In this paradigm, the President would consider following IHL in his prosecution of a WOA versus prosecuting the war without strict adherence to IHL. The GoSL's ability to pursue a decisive victory over the LTTE would be stymied by strictly following IHL. Adhering to IHL only benefited the LTTE who would continue to take advantage of the situation to intermingle their military and bases among the civilian population. During the SLCW, GoSL attacks on LTTE targets allegedly did not sufficiently distinguish military from civilian targets, resulting in the deaths of civilians. A blockade of the Northern Province led to a

food shortage for the Tamils in LTTE-held territory, which was an act that violated IHL. The GoSL's standing within the international community could improve by adhering to IHL, but it would not bring the SLCW to an end. With neither the GoSL nor the LTTE willing to compromise on their positions of an independent Tamil state, peace negotiations would continue to languish until one side was defeated or drastically changed their resolve. From a Mercy perspective, the President could pursue a decisive victory and end the war by not strictly adhering to IHL. Following this path would be an effective moral choice based on this paradigm.

Of the four paradigms, the one favoring the Community offered the best moral choice to justify pursuing a decisive victory against the LTTE through a WOA. While the other paradigms were intangible and related to virtues and time, the Individual versus Community paradigm concerns people, families, groups, and societies. A moral choice to wage an all-out war against an enemy to further the well-being of a country's citizens was a noble endeavor. Governments were created to protect and serve its citizens so that they may pursue their fundamental rights of life, liberty, and the pursuit of happiness. A decision based on the Community paradigm to wage a WOA to end a prolonged civil war offers the highest moral standard if the justification was to end suffering and further the well-being of the community.

Consequentialism, Utilitarianism, and Deontological Moral Theories

Using Consequentialism to evaluate the morality of the decision to end the SLCW by a WOA requires appraising the action itself and calculating the benefits of this action. The president knew that waging a WOA against the LTTE would in all likelihood cause the deaths of many innocent civilians in the warzone. The LTTE frequently resorted to forcible recruitment, including both male and female children, to fill its ranks, so many of the LTTE soldiers the GoSL forces encountered may actually have been unwilling conscripts. In acts of desperation,

the LTTE could use civilians as human shields to protect themselves from the onslaught of a GoSL offensive. The LTTE's use of human shields could deter an attack by the GoSL, because IHL stipulates that states may not encourage someone to violate it, but this would put the GoSL at a disadvantage while the LTTE flagrantly violated the human rights of the people shielding them.⁶⁵ The results of waging a WOA would likely end the war more quickly than continuing efforts for a peaceful solution that had proven unsuccessful for over two decades. The probable outcome of a WOA would be high civilian casualties in the warzone, but a good chance that the war would end quicker, benefiting the overall population of Sri Lanka and preventing future war-related deaths.

Utilitarianism evaluates the morality of the decision to end the SLCW by a WOA by calculating who would benefit the most from this action. Clearly, the LTTE received no benefit from being eliminated. Tamils in LTTE held territory killed by a GoSL offensive gained no advantage from this action, but those who were subjected to, and survived, a GoSL offensive that ended the war would be granted freedom from the LTTE's oppressive rule. Sri Lankan citizens outside of the warzone would no longer be exposed to the threat of LTTE terrorist attacks and would no longer have to live in fear of LTTE instigated violence. The end of the conflict would bring peace and a return to normalcy as families reunite, the country rebuilds, and the citizens of Sri Lanka reconcile their past differences. Based on a Utilitarian viewpoint, ending the SLCW through a strategy of annihilation clearly provides the greatest good to the greatest number of people.

To evaluate how the GoSL must conduct a WOA from a Deontological view point requires strict adherence to IHL. Any wavering from the IHL in the conduct of the war would be emphatically wrong. The President could not use Deontology as a moral course of action if the

intent of his decision was for a swift defeat of the LTTE that may violate IHL. Similar to the Justice versus Mercy paradigm, a Deontological approach would limit the GoSL's ability to pursue a decisive victory over the LTTE if it was required to strictly follow IHL. Adhering to IHL would only benefit the LTTE who would continue to take advantage of the situation by interspersing their military personnel and bases among the civilian population. Deontology as a theory cannot be used to justify waging a WOA against the LTTE because it is a rules-based theory, which would require that IHL be adhered to in the conduct of war.

If the President looked to his Constitutional duties as a basis for his decision to wage a WOA against the LTTE, Deontology would not offer a basis for this decision. The Constitution states that one of the fundamental duties of the State, which includes the President, is to, "... safeguard the independence, sovereignty, unity, and the territorial integrity of Sri Lanka."⁶⁶ To safeguard the unity of Sri Lanka, the Constitution gives the President the power to declare war.⁶⁷ But as president, he also had a duty to ensure that the fundamental rights and freedoms of all citizens were fully realized, including the Tamils'.⁶⁸ Based on the GoSL's past discriminatory practices against the Tamils, the President could not justify a decision to annihilate the LTTE based on IHL or the Constitution unless he was prepared to strictly adhere to them at all times instead of when the situation benefited him.

Utilitarianism or the Individual versus the Community Paradigm?

Having narrowed our choices to the best paradigm and the best theory, we must decide whether Utilitarianism or the Individual versus the Community paradigm is the best tool to determine whether to continue the peace process or to seek a decisive victory over the LTTE. From these two perspectives, we need to determine which choice offers the course of action with the highest ethical standard. In other words, we want to choose the action and outcome that

creates the greatest good for the greatest number of people. In this case, if the President chose to escalate the war because the outcome would be the most beneficial to the greatest number of people, his primary choice is the action, which may not be the most moral choice, but the results of that action will benefit the greatest number of people. From a Community paradigm perspective, the President's priority would be the needs of the Community, and to achieve that, he would choose to escalate the war. Based on this reasoning, the Community paradigm sets the highest standard for moral decision making because it puts the needs of the Community ahead of the action that is required to meet those needs.

Conclusion

The Sri Lankan president's decision to switch from a war of attrition to a WOA destroyed the LTTE to finally end the 26-year SLCW. Sri Lankans endured two and a half decades of violence that was not only directed at the Sri Lankan military, but also directed at civilians. Soldiers can be expected to experience and participate in the violence of war. But civilians should not have to endure the violence of terrorism or the fear, uncertainty, and trepidation it creates. The SLCW killed innocent civilians, separated families, damaged and destroyed homes and property, and hampered the economy. It also heightened ethnic tensions between the Sinhalese and Tamils, even though very few Tamils supported the LTTE cause.

Efforts at a peaceful solution assumed a willingness on both parties to compromise on their positions, but neither the GoSL nor the LTTE were willing to budge from their hardline stances. According to Dagmar Hellmann-Rajanayagam, "one problem regarding mediation in the Sri Lankan conflict appears to be that the parties seem to expect more than facilitation and even mediation. They expect the mediator to act as judge and jury who pronounce and impose a verdict (preferably in their favor) with which they have to live. Responsibility for success or

failure is thus delegated, and there is little willingness (or ability?) to engage in the nitty-gritty of negotiating, apart from putting forward demands that cannot possibly be fulfilled.”⁶⁹ Neil DeVotta argues that, “Prabhakaran [VP] wanted *eelam* built militarily so as to imbue Tamil society with a martial legacy.”⁷⁰ Based on these observations, it is unlikely that a negotiated settlement was on the horizon.

While Hellmann-Rajanayagam and DeVotta’s arguments seek to explain the internal reasons the peace process failed, they fail to offer any avenues that may have led to a peaceful end to the SLCW. According to a report evaluating Norway’s role in the SLCW peace process, peace may have been possible if peace negotiations were a multilateral arrangement or if a powerful state was involved.⁷¹ As it were, “there were few countries or international organizations that were willing to make Sri Lanka a policy priority. Particularly after the peace talks unraveled the Norwegians struggled to preserve a level of international attention.”⁷² Regrettably, the failure to reach a peaceful solution in the SLCW could be attributed to the fact that none of the world powers stepped forward, either unilaterally or multilaterally, to influence, persuade, or otherwise strong-arm the GoSL and the LTTE to reach a peaceful solution.

The president’s decision to pursue peace through a WOA succeeded, but the GoSL military committed grave human rights violations in the process. The UN reported that No Fire Zones (NFZ) designated by the GoSL as civilian safe havens were regularly targeted by GoSL artillery.⁷³ The UN also found credible allegations that the GoSL shelled hospitals and humanitarian objects.⁷⁴ Despite the credible allegations, the GoSL insisted that the final phase of the war was a “humanitarian rescue operation” with a policy of “zero civilian casualties” so therefore, the GoSL was not responsible for any wrongdoing.⁷⁵

At the behest of the UN, President Rajapaksa appointed the Lessons Learnt and Reconciliation Commission (LLRC) in 2010 to examine the events that took place from the end of the 2002 CFA through the end of the war in 2009.⁷⁶ The UN Secretary-General appointed a panel of experts (POE) to advise him on issues of accountability concerning alleged IHL violations, but the POE was not permitted to visit Sri Lanka or meet with the LLRC.⁷⁷ In a 2011 report by the POE, it states that, "... the LLRC is deeply flawed, does not meet international standards for an effective accountability mechanism, and, therefore, does not and cannot satisfy the joint commitment of the President of Sri Lanka and the Secretary-General to an accountability process."⁷⁸ Despite the POE's criticism, the LLRC's November 2011 report still insisted that, "...the Commission is satisfied that the military strategy that was adopted to secure the LTTE held areas was one that was carefully conceived, in which the protection of the civilian population was given the highest priority."⁷⁹

By setting aside aspects of IHL, the GoSL defeated the LTTE and ended the war, but with peace at hand, the GoSL needed to muster the moral courage to own up to its alleged human rights violations in its prosecution of the war. The president needed to fulfill his duty under the constitution to, "promote national reconciliation and integration,"⁸⁰ by ensuring that the Tamils' were not discriminated against based on their race, religion, language, or place of birth, which are their fundamental rights under the constitution.⁸¹ While President Rajapaksa did not take responsibility for the alleged human rights violations in the final phase of the SLCW, the new president, Maithripala Sirisena, appeared to be more receptive to an internal inquiry and reconciliation of the GoSL's alleged human rights violations.

Since the defeat of the LTTE in 2009, war has not returned to Sri Lanka. This can be attributed to the large concentration of GoSL military forces in the Northern and Eastern

Provinces to quell any potential LTTE uprisings, but without a charismatic leader like VP, this is unlikely. At least 160,000 soldiers, mostly Sinhalese, were estimated to be in the North in 2014.⁸² The Northern Province's population was estimated to be about 1 million in 2012, which equates to one army member for every six civilians.⁸³ Regrettably, it appears that the GoSL squandered an opportunity to redeem itself by continuing its persecution of Tamils and not fully integrating them back into society after the SLCW ended.

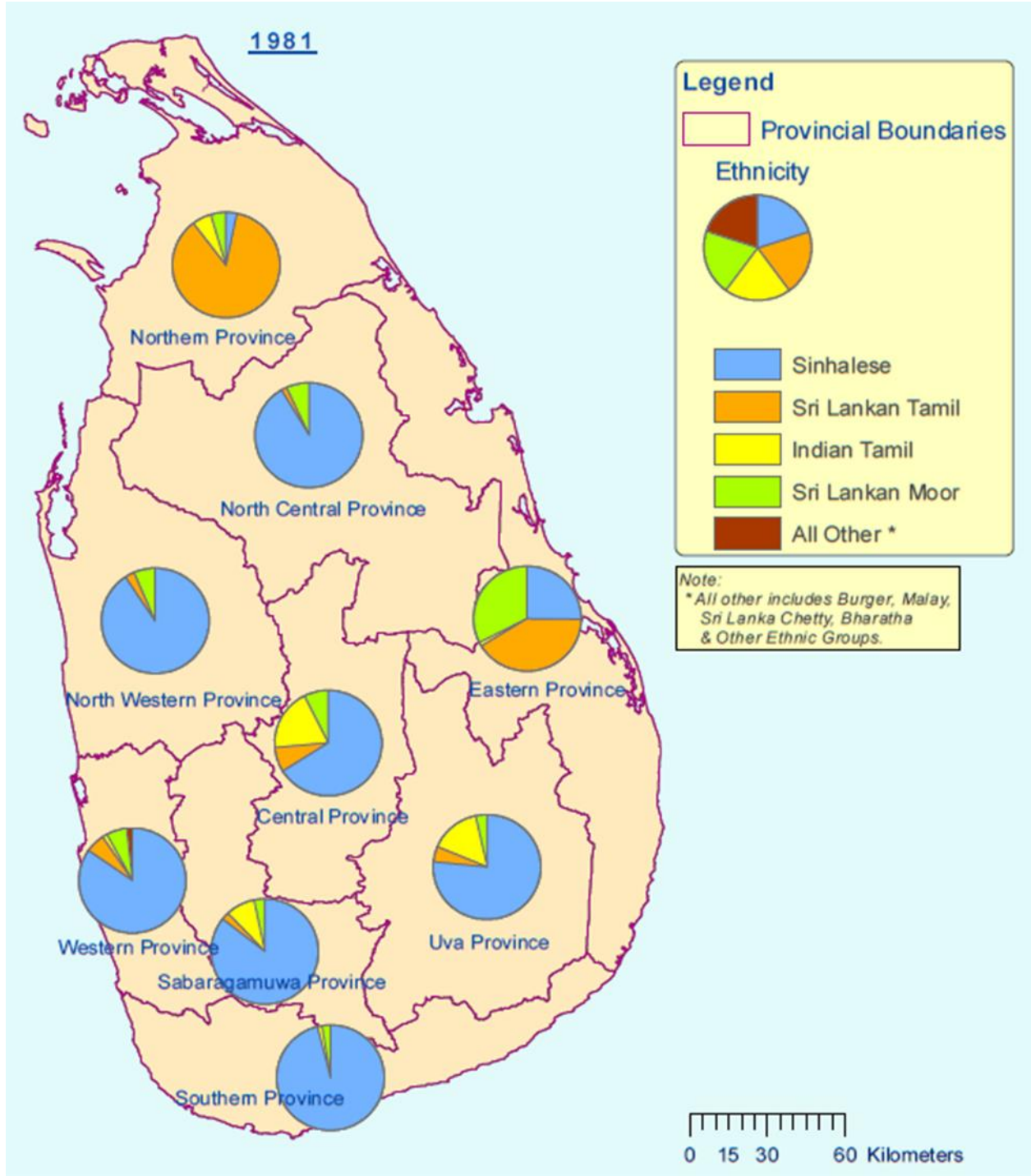
If President Rajapaksa's decision to escalate the war to a WOA was based first on the needs of the Sri Lankan citizens, the Community, then he was standing on firm moral ground. But if his decision to escalate the war was based on destroying the LTTE with no other factors taken into account, the President was wading through a swamp of moral uncertainty, despite a successful end to the war. Whichever the case, the four paradigms and the three moral theories offer a way to navigate through unknown moral terrain to reach the final destination – the peak of moral decision making.

Appendix 1



Appendix 2

1981 Sri Lanka Ethnic Composition by Province



Source: Population Atlas of Sri Lanka 2012, <http://www.statistics.gov.lk>

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