



## SRI LANKA'S POST WAR IMPLICATIONS ON ONLINE FALSEHOODS AND MANIPULATIONS; INTANGIBLE NATIONAL SECURITY MENACES

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### INTRODUCTION

#### *Paradigm shift*

As per (Caballero-Anthony, 2018) in “Negotiating Governance on Non-Traditional Security in Southeast Asia and Beyond”, traditional security is to safeguard the state from military aggression. Nonetheless, non-traditional security is on “threats to the survival and well-being of peoples and states that arise primarily out of non-military sources”. In the past, national security was wholly military-centric. As per, (United Nations Chronicle, 2022) national security is the “ability of a state to cater to the protection and defence of its citizenry”, which means primary concerns were on sovereignty and territorial integrity. However, at present, security encompasses various factors in addition to traditional security, such as political, economic, environmental, energy and cyber-security.

In the light of the shift in paradigms of national security, war has also shifted from a military aspect to a virtual sphere. Social media is the ideal platform to create and disseminate disinformation, misinformation, false information as well as hate speech. Online falsehoods and manipulations are acts utilized by terrorists, extremists and profit-driven individuals to fight a war. According to, (Pal & Banerjee, 2019), “online falsehoods” are “unfounded and unverified online messages [which] leave behind their digital footprints....on the Internet....what is worrying is that such dubious messages are often mistaken as facts, and in turn cause people to take actions that they would not have taken otherwise”. Merriam Webster defines manipulation as, “to control, play upon by artful, unfair or insidious means, especially to one's advantage”. There are various reasons behind resorting to social media, such as wide availability, cost-effectiveness and technical literacy of individuals. If a material, sensitive and critical piece of information falls into corrupt hands, the resultant effects are disastrous.

In light of the above factors, it is crystal clear that online falsehoods and manipulations have become apex threats to Sri Lanka's national security in the post-war context. Even though the Sri Lankan government defeated the military aspect of the war against LTTE, its international networks and threats posed to them remain intact. LTTE and its international networks are strategically using ‘information’ to fight a war. Therefore, the research paper will critically analyse Sri Lanka's post-war implications on online falsehoods and manipulations, which are intangible national security menaces. Consequently, research will provide recommendations.

### METHODOLOGY

The research problem is the need to criminalise online falsehoods and manipulations that are threats to Sri Lanka's national security. Therefore, the research methodology utilised is “Qualitative Methodology”. According to (Denzin and Lincoln 2005), research of qualitative nature is multimethod and the researchers study things by attempting to interpret phenomena and study things in their natural setting. As per, (P.Bhat, 'Qualitative Legal Research: A Methodological Discourse 2020), qualitative research “steps include....analysis and interpretation.” Therefore, this research has attempted to critically analyse the harms caused by online falsehoods and manipulations of the national security of Sri Lanka, in the aftermath of war. Moreover, research has equipped secondary sources such as books, journal articles, proceedings and reports. Primary sources including, Singapore's Protection from Online Falsehoods and Manipulation Act No 18 of 2019 and Canada's Tamil Genocide Education Week Act are taken into consideration. In the end, research has attempted to prove that online falsehoods and manipulations are menaces to the national security of Sri Lanka, and calls for the criminalisation of the same.



## RESULTS AND DISCUSSION

### *Sri Lanka's Post-War Context*

Sri Lanka fought a three-decade war against the ruthless terrorist organization the LTTE and defended the rights of all the Sri Lankans. The war was fought irrespective of ethnicity, religion and language. In the present context, LTTE and its international networks have shifted their traditional warfare strategy. In the digitised world, war is fought using “information”. When a piece of information is fabricated, altered, converted or changed, there can be repercussions. Therefore, notwithstanding the victory of the military aspect of war, Sri Lanka’s innocence is challenged in the post war context.

Sri Lanka is accused of committing an array of crimes. As stated in “Sri Lankan civil war: Government officials still unpunished (give intext citation , 2022) “countless people were killed, injured and raped during the decades-long Sri Lankan civil war. More than 70,000 civilians lost their lives... [Further] according to United Nations reports, Sexual and gender-based violence and arbitrary arrests by the police and military were and continue to be widespread”. Moreover, LTTE and its international networks accuse Sri Lanka of committing genocide, gross human rights violations and humanitarian law violations. According to, Sri Lanka’s State Responsibility for Historical and Recent Tamil Genocides, 2020 “Sinhalese state [has]...perpetrated three acts of genocide. According to the source, the state has killed over 3000 Tamils, caused serious bodily or mental harm and deliberately inflicted conditions of life to bring about the group’s physical destruction”. (Schlein, 2022) mentions that “in a report, Bachelet said human rights violations and abuses were continuing to spread throughout the country [and attributed that government of Sri Lanka has failed] to carry out necessary reforms to its legal, institutional and security sectors.” Further, (“Sri Lanka, Conflict in the Vanni | How does the law protect in war? - Online casebook”, 2022) published by ICRC mentions that Sri Lanka has committed “Attacks on the “Safe Zone “which are international humanitarian law violations.

Regardless, of all this misinformation and false news circulating online none of these elements have been proven. Yet, these continuous, false and fictitious claims have tainted the Sri Lankan image in the world. Moreover, LTTE runs social media campaigns. The posts on Twitter and other social media platforms are widespread; they are liked, commented on, shared and downloaded. Due to digitalization and wide accessibility, false information is available at the fingertips. When the “lie” is often circulated, quoted and referred to, it becomes validated. . These acts result in precedence, where present as well as future generations will be taught, directed and presented with inaccurate facts.

### *International responses*

The repercussions of online falsehoods and manipulations, which were discussed afore, have resulted in passing laws, resolutions and memorandum of associations against Sri Lanka. For example, Canada’s Tamil Genocide Education Week Act establishes “May 12<sup>th</sup> to 18<sup>th</sup> ‘the seven days each year ending on May 18<sup>th</sup> is proclaimed as Tamil genocide education week, during that period, all Ontarians are encouraged to educate themselves about and to maintain their awareness of, the Tamil genocide and other genocides that have occurred in world history” the Act legally recognizes the concept of ‘Tamil genocide’, which is untrue as well baseless. The Act establishes laws to ‘educate’ Ontarians on the genocide, which has not occurred in history, reflects badly upon Sri Lanka as well as creates legal repercussions. The Tamil Genocide Education Week Act did not come to light at a glimpse. The concept was widely circulated on social media, which resulted in funding and propaganda. The more it was debated; discussed and interpreted it became validated . Due to the wide availability of the concept and international support, in the end, it became law. This finely depicts the gravity of online falsehoods and manipulations.



Palermo City Council Memorandum of Understanding (MOU) with the Italian-Tamil community recognizing the "genocide of Eelam Tamils perpetrated by the Sri Lankan state" is another example. The said agreement sets out to hold an "Educational week of the Tamil Genocide" from 11<sup>th</sup> to 18<sup>th</sup> of May each year. The commitments in the MOU include recognizing the genocide of Eelam Tamils perpetrated by the Government of Sri Lanka...to promoting the "Educational Week of the Tamil Genocide". During which awareness-raising activities and demonstrations in collaboration with Tamil organizations will take place in schools and public environments, to inform and raise awareness among Palermo citizens of the Tamil genocide and other similar realities. Same as the Tamil Genocide Education Week Act, this MOU has become capable of legitimizing an untrue fact. This proves the capability of online falsehoods and manipulations, which has resulted in passing laws and engaging in litigation.

### *Threats to Sri Lanka's national security*

Online falsehoods and manipulations have resulted in lobbying, litigation and law making. The Acts, resolutions and MOUs depict the victory of war fought online by LTTE and its international network. In addition to the law-making process, LTTE and the international networks have also been capable of forming front, cover and sympathetic organizations. This is detrimental to Sri Lanka's national security since the territorial sovereignty of the country is attacked. Further, this deters the justice process. Such laws pave the way for unnecessary international intervention. In a nutshell, the security threats posed by LTTE are beyond the traditional security threats and have resulted in attacking non-traditional security sectors in Sri Lanka, including, economic security as well as the political stability of Sri Lanka.

### *Singapore's Protection from Online Falsehoods and Manipulation Act No 18 of 2019*

Singapore has a separate law to criminalise, denigrate and combat fake news, which is known as Online Falsehoods and Manipulation Act No 18 of 2019. As explained in ("Singapore Fake News Laws: Guide to POFMA (Protection from Online Falsehoods and Manipulation Act) - SingaporeLegalAdvice.com", 2022), "the Act seeks to prevent the electronic communication of falsehoods and to safeguard against the use of online platforms for the communication of such falsehoods. The rationale behind the introduction of such a law in Singapore was to "tackle growing concerns over the scourge of fake news and misinformation, communicated particularly through various online and social media platforms." The Act further stipulates the measures to counteract the effects of such communication and prevent the misuse of online accounts and bots". Moreover, the Act has listed factors including, exemptions, correction directions, penalties and remedies. This Act is progressive. It does not cover opinions, criticisms, satire or parody. The Act is extra-territorial in nature. It prohibits "to communicate a statement which that person knows or has reason to believe that it is a falsehood and the communication of that falsehood in Singapore is likely to be prejudicial to factors including "Singapore's security, prejudicial to public health, public safety, public tranquility or public finances, prejudicial to the friendly relations of Singapore with other countries, Influence the outcome of a presidential election, general election, by-election or referendum etc.:

### *An Act to criminalize online falsehoods and manipulations*

Unlike Singapore, Sri Lanka lacks stringent laws to criminalise online falsehoods and manipulations. The conduct of LTTE and its international networks is only one example of online falsehoods and manipulations. Online falsehoods happen in other ways as well. Such ways include false danger alerts, false intelligence news, fabricated government information, politically motivated government decisions and disclosure of unauthorized material information. Disinformation, misinformation, fake news, hate speech, online rumours and denial. In light of these, at present, Sri Lanka and many other countries are in dire need of legislation to criminalise online falsehoods and



manipulations. Therefore, Sri Lanka can refer to Singapore's Protection from Online Falsehoods and Manipulation Act No 18 of 2019. This is a timely move adopted by Singapore. It is pivotal to mention the Act must specify calibrated remedies and redress to the victims and must be subject to judicial review. Further, the Act must contain a reporting mechanism and a supervisory body and enable collaboration with private as well as public entities.

## **CONCLUSION**

As mentioned, it is crystal clear that online falsehoods and manipulations are done in virtual space. The cost-effectiveness, timeliness and wide accessibility have resulted in spreading any content without any impediment. Therefore, fact-checking, verifying, identifying and removing erroneous and unauthorised context have become strenuous. In the light of all these, the research has attempted to answer and reach the objectives of identifying online falsehoods and manipulations as apex menaces to Sri Lanka's national security in the post-war context. In addition, research has provided recommendations to criminalise denigrating and prevent the threats posed by online falsehoods and manipulations.

## **RECOMMENDATIONS**

Introducing an Act to criminalise online falsehoods and manipulations. The Act will criminalise, mitigate as well as prevent future wrongful acts. Moreover, the Act will denigrate future crimes as it specifies offences and penalties for the said offences. The introduced Act will facilitate redress for victims of online falsehoods and manipulations, which will include calibrated remedies.

Raising public awareness is important. The public as well as institutions are unaware of the gravity of online falsehoods and manipulations. Due to this ignorance, they easily fall prey to them. Therefore, instilling information literacy can be mentioned as a prudent choice.

Preserving the freedom of expression whilst maintaining national security is a strenuous task. Sri Lanka has constitutionally guaranteed freedom of expression subject to limitations, which means freedom of expression is not an absolute right. When weighing public interest against private benefit, public interest takes precedence. Therefore, in any conflict, "National Security" is given the upper hand. Even though the law stipulates so, no person can be arbitrarily deprived of freedom of expression if the motive is innocent and free from error. The proposed Act should not be a platform for revenge, punishment or a haven for politically motivated and profit-driven individuals to silence truth .

Identifying threat patterns is equally imperative. The government is bestowed with the task to identify threat patterns. The government must be vigilant to spot what is fake and what is not. Any matter amounting to fake news must be swiftly reported and necessary actions must be taken. Identifying threat patterns and the motive behind such threat patterns cannot be accomplished overnight. This requires constant dedication, in-depth study and skilled analysis of the subject matter. Government must encourage youth and instil technological capability in them, train them to meet challenges.

Inter-agency platform, research, and development are key components to mitigating and preventing online falsehoods and manipulations. Private as well as government bodies must share resources and collaborate. Research and development can be conducted by referring to other jurisdictions.



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