



SPUR New Zealand

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Responses to Concerns of International Community on Sri Lanka

At a recent briefing for 16 EU Ambassadors based in New Delhi, concurrently accredited to Sri Lanka, a Senior Minister of Sri Lanka addressed some issues of recent concerns of the international community. SPUR New Zealand believes that he has clarified the thinking of the Government of Sri Lanka on several important issues and decided to reproduce the news reports for the benefit of those who are interested in the current political developments in Sri Lanka.

Excerpts of the briefing made by Prof G L Piers, the Minister for Export Development and International Trade, who was a Professor of Law before he accepted the invitation of a previous Head of State to become a Minister, taken from Sri Lankan News papers are quoted below.

Sri Lanka Government did not believe in a military solution to the conflict, but terrorism required a military response. There would be a military response to the terror perpetrated by the LTTE and a political process to address the problems of the minorities. The basic characteristic of a political solution would be the devolution of power subject to the protection of the country's sovereignty and territorial integrity.

Peiris who had led the GoSL delegation for talks with the LTTE from Sept. 2002 to March 2003 offered the following thoughts on why attempts by successive governments had not yielded a favorable result. There is a disconnect between the proposed measures and the thoughts and feelings of the public of Sri Lanka mainly due to some aspects of the behaviour of the LTTE that are quoted below.

*For success, one had to inspire the confidence of the majority. The LTTE was never prepared to discuss the decommissioning of arms as was the case of in successful peace processes in other parts of the world such as Northern Ireland.

*The LTTE insisted that it was the sole representatives of the Tamils. This claim involved a conflict with basic democratic values and assumptions.

*The LTTE did not want to participate at elections and subject themselves to the people's mandate.

Looking for options to generate political momentum, GoSL felt that it should not engage in discussions regarding futile arrangements, which cannot be implemented, such as changing the Constitution which required a two thirds majority in parliament. Given Sri Lanka's electoral system, (Note: Which is similar to MMP system in New Zealand) it is unlikely that any government in the foreseeable future would command such a 2/3 majority. Moreover, far-reaching statu-

tory changes may not be immediately needed, because implementation of the laws that exist through political will and sincerity would enable considerable progress to be made.

All-Party Representative Committee had presented a proposal to government to implement the 13th amendment to the Constitution. Part of this process involves holding elections to nine local bodies in the Eastern Province where the writ of the government now lies. Franchise represents the most basic of human freedoms and this would now become a reality in the Eastern Province and with the revival of the electoral process, a natural momentum could be anticipated.

While agreeing that it would not be realistic to hold elections in the Northern Province immediately but as a temporary measure an advisory committee would be established to advise the governor of the province who is the representative of the president and the government would have the advice of a committee representative of the people of the province.

There would be forward movement on the security sphere as well stressing that the government has the clear obligation of ensuring the safety of life and limb which is the ultimate rationale of the nation state.

Commenting on human rights, Peiris said that over the years Sri Lanka has developed into a caring society based on human welfare. But all civilizations had to strike a balance between security and liberty in times of turbulence. This did not mean that one had to choose between the two, but extraordinarily legal regimes derogating from normal legal principles had been adopted in times of crisis.

"Therefore, in the context of Sri Lanka, it is sometimes necessary to take people into custody and question them so as to find out the reasons for their presence at a particular location, their accomplices etc., in order to prevent the infliction of grave harm on the civilian population"

Peiris stressed that GOSL wished to work closely with the UN to strengthen domestic mechanisms, but would be adverse to a monitoring mission which would essentially act as an international policeman. "Such a monitoring mission may be patronizing and perceived as talking down to the GOSL. Instead, the GOSL would wish to have relations on an equal footing based on empathy, goodwill and understanding – a collaborative and supportive relationship."

(This Media Release is based on Sri Lankan News Paper reports)